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# DEBATES

—OF—

# THE SENATE

—OF THE—

## DOMINION OF CANADA.

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*REPORTED, EDITED AND PUBLISHED*

—BY—

A. & GEO. C. HOLLAND,  
OTTAWA.

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FIFTH SESSION—THIRD PARLIAMENT.



OTTAWA

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1878.



# TABLE OF CONTENTS.

## THE SENATE DEBATES 1878.

### Thursday, February 7th.

MEETING OF PARLIAMENT.	PAGE
THE MEMBERS OF THE COMMONS Attend at the Bar of the Senate by command of His EXCELLENCY THE GOVERNOR-GENERAL .. .. .	1
THE SPEECH FROM THE THRONE .. .. .	1
ACT RELATING TO RAILWAYS—Introduced—Mr. Scott—and read the first time ...	3

### Monday, February 11th.

OMISSION FROM THE MINUTES—Mr. Campbell .. .. .	3
ADDRESS IN ANSWER TO HIS EXCELLENCY'S SPEECH .. .. .	3
THE SPEECH TAKEN INTO CONSIDERATION—Address in reply thereto moved by Mr. Thibeau—seconded by Mr. Lewin ... .. .	26
DEBATE ADJOURNED—Mr. Macpherson ... .. .	26

### Tuesday, February 12th.

DEBATE ON THE ADDRESS CONTINUED—Mr. Macpherson .. .. .	27
THE HALIFAX FISHERIES COMMISSION—Question, Mr. Macpherson; Answer, Mr. Scott .. .. .	39

### Wednesday, February 13th.

FISHERIES AWARD—Motion for return—Mr. Bureau—Agreed to .. .. .	40
BREAKWATER AT WEST ARICHAT—Motion for return—Mr. Miller—Agreed to .. .. .	40

### Thursday, February 14th.

L'ARDOISE BREAKWATER—Motion for return—Mr. Miller—Agreed to ... .. .	41
--	----

### Friday, February 15th.

PETITIONS FOR PRIVATE BILLS—Motion to extend time for receiving—Mr. Scott—agreed to .. .. .	42
CANADIAN PACIFIC TELEGRAPH—Motion for return—Mr. Aikins—Agreed to .. .. .	42
THE STANDING COMMITTEES—Motion to appoint—Mr. Scott—Agreed to .. .. .	42

**Monday, February 18th.**

HUNTER DIVORCE CASE—Motion to receive petition—Mr. Aikins—Agreed to on a division .. .. .	43
ST. PETER'S CANAL—Motion for return—Mr. Miller—agreed to .. .. .	43
MAIL IRREGULARITIES IN NOVA SCOTIA—Motion for return—Mr. Miller—Agreed to .. .. .	43
COMMUNICATION WITH PRINCE EDWARD ISLAND—Motion for return—Mr. Hawthorne—After debate, agreed to .. .. .	44
MINISTERIAL CHANGES—Explanations—Mr. Scott .. .. .	51

**Tuesday, February 19th.**

JOHNSTON DIVORCE BILL (A)— Read the first time—Mr. Penny .. .. .	52
FISHWICK'S EXPRESS & FORWARDING CO.'S BILL (B)— Read the first time—Mr. Miller .. .. .	52
REGULAR BAPTIST FOREIGN MISSION SOCIETY'S BILL (C)— Read the first time—Mr. Macmaster .. .. .	52

**Wednesday, February 20th.**

HUNTER DIVORCE BILL (D)— Read the first time—Mr. Aikins .. .. .	52
THE DAWSON ROAD—Question, Mr. Girard ; Answer, Mr. Scott .. .. .	52
INTERCOLONIAL RAILWAY HEADQUARTERS—Motion for return—Mr. Power— After debate, agreed to .. .. .	54

**Thursday, February 21st.****AN ADJOURNMENT—Motion—**

“That when this House adjourns on Wednesday the twenty-seventh instant, it do stand adjourned until Thursday, the 7th of March, proximo, at eight o'clock in the evening.”—Mr. Bellerose .. .. .

After debate, agreed to ; Contents, 31 ; Non-contents, 27 .. .. .	60
FISHWICK'S EXPRESS CO.'S BILL (B)— Read the second time .. .. .	60
REGULAR BAPTIST FOREIGN MISSION SOCIETY BILL (C)— Read the second time, after debate, on a division .. .. .	60

**Friday, February 22nd.**

SENATORIAL APPOINTMENTS—Enquiry, Mr. Campbell ; Answer, Mr. Scott .. .. .	65
SENATE RESTAURANT—Motion to appoint a Committee—Mr. Dickson—Agreed to .. .. .	65
FORTNIGHTLY MAIL SERVICE TO HALIFAX—Enquiry, Mr. Dickey ; Answer, Mr. Scott .. .. .	65
BANKING, COMMERCE, AND RAILWAYS—Motion to add to the Committee—Mr. Campbell—Agreed to .. .. .	68
CHANGING A NOTICE OF MOTION—Mr. Campbell—Motion withdrawn .. .. .	70

**Monday, February 25th.**

THE PROPOSED ADJOURNMENT—Motion to rescind—Mr. Dickey—Withdrawn .. .. .	70
---	----



<b>DOMINION COMPANY'S BILL (E)—</b>	
Read the second time—Mr. Campbell .. .. .	110
<b>Friday, March 8th.</b>	
<b>IMPORTS OF WOODS FROM THE UNITED STATES—Motion for return—Mr. Price—</b>	
Agreed to .. .. .	112
<b>TITLES OF LANDS IN MANITOBA—Motion for return—Mr. Girard—After debate,</b>	
agreed to.. .. .	113
<b>HUNTER DIVORCE BILL (D)—</b>	
Read the second time—Mr. Aikins .. .. .	120
<b>Monday, March 11th.</b>	
<b>IMPROVEMENTS AT OROMOCTO SHOALS—Motion for return—Mr. Wilnot—After</b>	
debate, agreed to .. .. .	121
<b>MR. SANDFORD FLEMING'S ABSENCE—Enquiry, Mr. Bourinot; Answer, Mr.</b>	
Scott .. .. .	127
<b>MONTREAL AND OTTAWA JUNCTION BILL (F)—</b>	
Read the second time—Mr. Skead .. .. .	127
<b>FISHWICK'S EXPRESS AND FORWARDING CO.'S BILL (B)</b>	
Referred back to Committee—Mr. Miller .. .. .	128
<b>Tuesday, March 12th.</b>	
<b>LYON DIVORCE BILL (H)</b>	
Read the first time—Mr. Kaulbach .. .. .	128
<b>THE PUBLIC EXPENDITURE OF THE DOMINION—Notice of enquiry—</b>	
" That he will call attention to the public expenditure of the Dominion, especially that	
portion of it which is largely within the control of the Administration, and will	
enquire of the Government how it is proposed to restore the equilibrium between	
income and expenditure "—Mr. Macpherson.	128
<b>HALIFAX FISHERIES COMMISSION—Enquiry, Mr. Bureau, Answer, Mr. Scott ..</b>	
<b>SALE OF CANADIAN SHIPS IN FRANCE—Motion for return—Mr. Bourinot—</b>	
After debate, agreed to .. .. .	129
<b>MONTREAL BUILDING ASSOCIATION'S BILL (G)—</b>	
Read the first time—Mr. Penny .. .. .	134
<b>Wednesday, March 13th.</b>	
<b>BAPTIST FOREIGN MISSION SOCIETY'S BILL (C)—</b>	
Read the third time—Mr. Macmaster .. .. .	134
<b>Thursday, March 14th.</b>	
<b>ST. JOHN RIVER RAILWAY BRIDGE—Motion for return—Mr. Dever—After</b>	
debate, agreed to .. .. .	139
<b>CANADIAN PACIFIC RAILWAY—Engineers' houses—Motion for return—Mr. Aikins</b>	
---After debate, agreed to... .. .	145
<b>Friday, March 15th.</b>	
<b>PETITIONS FOR PRIVATE BILLS—Motion to extend time—Mr. Miller—Agreed to</b>	
<b>L'ARDOISE BREAKWATER—Returns brought down—Mr. Scott .. .. .</b>	

MONEY LENDING COMPANY'S BILL (I)—									
Read the first time—Mr. Reesor	..	...	...	...	...	...	...	...	160
LIQUOR TRAFFIC REGULATION BILL (J)—									
Read the first time—Mr. Scott	...	..	...	..	..	..	..	..	160

QUALIFICATION OF SENATE EMPLOYEES—Motion—

“That it be an instruction to the Committee on the Contingent Accounts of this House, to prepare and report rules and regulations respecting the qualification of candidates for permanent or temporary employment in the Senate offices (with the exception of such offices as are in the gift of the Crown) so as to insure that all the officers, clerks and servants may be fully competent to perform their respective duties, and that when Committee or office clerks are wanted, shorthand writers competent in other respects, be preferred”—Mr. Bureau.

Motion withdrawn	..	...	..	...	..	..	..	..	164
MONTREAL BUILDING ASSOCIATION'S BILL (G)—									
Read the second time—Mr. Penny	..	...	..	..	..	..	..	..	164

**Monday, March 18th.**

FISHWICK'S EXPRESS AND FORWARDING COMPANY'S BILL (B)—									
Read the third time—Mr. Miller	...	...	..	..	..	..	..	..	164
BIBLE CHRISTIAN MISSIONARY SOCIETY'S BILL (K)—									
Read the first time—Mr. Simpson	..	..	...	...	...	...	...	...	165
CIRCULATION OF DEPRECIATED SILVER—Enquiry, Mr. Bureau ; Answer, Mr. Pelletier	..	...	...	...	..	..	..	..	165
MERCHANTS' BANK STOCK CAPITAL REDUCTION BILL (H)—									
Read the first time—Mr. Penny	..	..	...	..	..	..	..	..	174

**Tuesday, March 19th.**

THE PUBLIC EXPENDITURE OF THE DOMINION—Enquiry, Mr. Macpherson	...	...	...	...	...	...	...	...	175
MONTREAL AND CHAMPLAIN JUNCTION R. R. COMPANY'S BILL (28)—									
Read the first time—Mr. Ferrier	...	..	...	...	...	...	...	...	201
HUNTER DIVORCE BILL (D)—									
Report of the Committee adopted on division—Mr. Aikins	..	..	..	..	..	..	..	..	201

**Wednesday, March 20th.**

MONTREAL HARBOR COMMISSION—Motion for return—Mr. Guevremont—After debate, agreed to	..	..	...	...	..	..	..	..	201
THE PUBLIC EXPENDITURE OF THE DOMINION—The debate continued—Mr. Scott	..	..	...	...	..	..	..	..	203
HUNTER DIVORCE BILL (D)—									
Read the third time—Mr. Aikins	..	..	...	...	..	..	..	..	217
JOHNSTON DIVORCE BILL (A)—									
Read the third time—Mr. Penny	..	...	..	..	..	..	..	..	217
MONTREAL AND CITY OF OTTAWA JUNCTION R. R. CO'S., BILL (F)—									
Read the third time—Mr. Skead	...	..	..	..	..	..	..	..	217
MONTREAL AND CHAMPLAIN R. R. CO'S., BILL (28)—									
Second reading—Mr. Ferrier	...	...	..	..	..	..	..	..	217

## Thursday, March 21st.

THE PUBLIC EXPENDITURE OF THE DOMINION—Debate continued—Mr. Scott .. 217

## KAMINISTQUIA COMMITTEE—Motion—

“ That the evidence taken from time to time before the Select Committee appointed to continue the investigation and to enquire into all the questions relating to the purchase of the property at Fort William for a terminus to the Canadian Pacific Railway, be printed for the use of the Members of this House, but that no copies thereof be delivered, except to the Members of the Committee, until further order”—Mr. Girard.

Motion agreed to .. .. . 247

## Friday, March 22nd.

## THE CAUGHNAWAGA RAILWAY—Motion—

“ That the following Petitions, namely, of the Reverend James Fulton, Master of Arts, and Rural Dean, and others, of Franklin, in the County of Huntington ; of the Reverend J. Dequoy, Priest, Curé of the Parish of Saint Michel Archange ; and of the Reverend J. E. Perreault, Priest, and others, of the Parish of Saint Remi, in the County of Napierville ; of Jean Baptiste Jodoin, and others, of the Parish of Saint Urbain ; of the Reverend J. C. G. Godin, Priest, Curé of the Parish of Saint Philoméne ; of J. Dupuis, of the Parish of Chateauguay, in the County of Chateauguay ; and of the Reverend O. Blanchard, Priest, Curé, and others of the Parish of Saint Isidore, in the County of Laprairie, be referred to a Select Committee, to consist of the Honorable Messrs. Pelletier, Ferrier, McLelan (Londonderry), Wark, Leonard, Dickson, Hope, Alexander, Bellerose, Trudel and the mover, who are to enquire into the subject of which the petitioners complain, with power to send for persons, papers and records, to report from time to time to the House, and to examine witnesses on oath, seeing that it is desirable to have recourse to that proceeding”—Mr. Bureau.

Motion withdrawn .. .. . 247

PURCHASE OF AMERICAN SILVER COIN—Motion for return—Mr. Wilmot—  
Agreed to .. .. . 247

CONTAGIOUS DISEASES OF CATTLE—Enquiry, Mr. Haythorne ; Answer, Mr. Pelletier .. .. . 248

PUBLIC EXPENDITURE OF THE DOMINION—The debate continued—Mr. Brown ... 251

MINISTERIAL CHANGES IN QUEBEC—Message from His Excellency the Governor-General .. .. . 267

WITNESSES COMPETENCY IN COMMON ASSAULT CASES BILL (3)—  
Read the first time—Mr. Pelletier .. .. . 268

LIVERPOOL BANK BILL (2)—  
Read the first time—Mr. Kaulbach .. .. . 268

ONTARIO MUTUAL LIFE ASSURANCE ASSOCIATION INCORPORATION BILL (16)  
Read the first time—Mr. Aikins .. .. . 268

STADACONA INSURANCE COMPANY STOCK REDUCTION BILL (10)—  
Read the first time—Mr. Power .. .. . 268

PUBLIC EXPENDITURE OF THE DOMINION—Debate continued—Mr. McLelan .. 268

QUEBEC LOAN COMPANY'S BILL—  
Read the second time—Mr. Baillargeon .. .. . 285

## Tuesday, March 26th.

LIGHT HOUSE SERVICE IN PRINCE EDWARD ISLAND—Motion for return—Mr. Howlan.—Agreed to .. .. . 285

ALBERTON POST-OFFICE—Enquiry, Mr. Howlan; Answer, Mr. Scott .. ..	285
CASCUMPEC HARBOR—Enquiry, Mr. Howlan; Answer, Mr. Scott ... ..	285
SALMON FISHERIES OF BRITISH COLUMBIA—Motion for return—Dr. Carrall— After debate, agreed to .. .. .	287
<b>CAMPBELL DIVORCE CASE—Motion—</b>	
“That the petition of Eliza Maria Campbell, praying for leave to prosecute her cause of Divorce <i>in forma pauperis</i> , &c., &c., brought up and laid on the table on the Twenty- seventh day of February last, and read on the Eighth day of March, instant, be referred to a Select Committee, to consist of the Hon. Messrs. Aikins, Leonard, Dickey, Haythorne, Dickson, Cornwall, Seymour, Kaulbach and the mover, to report thereon with all convenient speed.”—Mr. Reesor.	
After debate, motion withdrawn ... ..	292
<b>CANADA SOUTHERN RAILWAY SCHEME BILL (6.)</b>	
Read the first time—Mr. Dickson .. .. .	292
<b>NATIONAL INSURANCE COMPANY STOCK BILL (8)</b>	
Read the first time—Mr. Trudel .. .. .	292
<b>NORTHERN RAILWAY COMPANY BILL (27)</b>	
Read the first time—Mr. Campbell .. .. .	292
<b>GRAND TRUNK RAILWAY COMPANY BILL (26)</b>	
Read the first time—Mr. Ferrier ... .. .	293
<b>BIBLE CHRISTIAN MISSIONARY SOCIETY'S BILL (K)</b>	
Motion for second reading—Mr. Simpson. .. .. .	293
Motion in amendment:—	
“That the question for the second reading of the said Bill intituled: ‘An Act to incor- porate the Missionary Society of the Bible Christian Church in Canada,’ be not now put, but the Bill be referred to the Judges of the Supreme Court for their opinion; whether it is not a measure which falls within the class of subjects exclusively allotted to the Provincial Legislatures, under Section 92, sub-Section 11, of the British North America Act, 1867, relating to ‘The Incorporation of companies with Provincial ob- jects’ and sub-Section 13 of the same Section, relating to ‘Property and civil rights in the Province,’ and Section 93, relating to Education?’—Mr. Bellerose.	
After debate, amendment withdrawn and Bill read the second time ... ..	295
<b>RAILWAY ACT EXTENSION BILL (38)—</b>	
Read the second time.—Mr. Pelletier .. .. .	295
<b>QUEBEC FIRE ASSURANCE COMPANY'S BILL (21)—</b>	
Read the second time.—Mr. Pelletier .. .. .	295
<b>BANK OF LIVERPOOL BILL (22)—</b>	
Read the second time.—Mr. Kaulbach.. .. .	295
<b>ONTARIO MUTUAL LIFE ASSURANCE ASSOCIATION'S BILL (16)—</b>	
Read the second time.—Mr. Reesor .. .. .	296
<b>STADACONA INSURANCE COMPANY'S BILL (10)—</b>	
Read the second time.—Mr. Power .. .. .	296
<b>Wednesday, March 27th.</b>	
THE PUBLIC EXPENDITURE OF THE DOMINION—Debate Continued—Mr. Camp- bell .. .. .	298
<b>LYON DIVORCE BILL (H)—</b>	
Read the second time.—Mr. Kaulbach.. .. .	335
<b>CANADA SOUTHERN RAILWAY BILL (6)—</b>	
Read the second time—Mr. Dickson ... .. .	336

NATIONAL INSURANCE CO.'S BILL (8)—					
Read the second time—Mr. Trudel	...	...	..	...	336
NORTHERN RAILWAY CO.'S BILL (27)—					
Read the second time—Mr. Allan	..	...	..	..	337
GRAND TRUNK RAILWAY CO.'S BILL (26)—					
Read the second time—Mr. Ferrier	..	..	..	..	337
RAILWAY ACT EXTENSION BILL (38)—					
Read the third time and passed—Mr. Pelletier	...	...	..	..	337

#### Thursday, March 28th.

REFERENCE OF BILLS TO THE SUPREME COURT—Motion—That the 55th Rule of this House be rescinded and the following substituted in lieu thereof:—

“At any time before the final passing of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for their examination, and report as to any point or matter in connection with such Bill, expressed in the Order of Reference.”—Mr. Botsford.

Resolution adopted	..	...	..	...	..	337
QUEBEC LOAN COMPANY'S BILL (12)—						
Read the third time and passed—Mr. Baillargeon	..	..	..	..	..	338
LIQUOR TRAFFIC REGULATION BILL (J)—						
Read the second time after debate—Mr. Scott—	..	..	..	..	..	338
MONEY LENDING COMPANY'S BILL (I)						
Motion for second reading—Mr. Reesor	...	..	..	..	..	380
After debate, lost on division	...	..	..	...	..	381

#### Friday, March 29th.

THE PUBLIC EXPENDITURE OF THE DOMINION—The debate concluded—Mr. Wilmot	...	..	...	..	..	382
HALIFAX PENITENTIARY—Enquiry, Mr. Miller ; Answer, Mr. Scott					..	412

#### Monday, April 1st.

RECORDING DIVISIONS IN SELECT COMMITTEES—Point of order—Mr. Hope	..					413
CANADA SOUTHERN RAILWAY SCHEME BILL (6)—						
Reported from Committee with amendments—Mr. Hamilton	...	..	..	..	..	412
GRAND TRUNK RAILWAY COMPANY'S BILL (26)—						
Read the third time and passed—Mr. Ferrier	...	...	...	...	...	414
SHIPMENT OF GRAIN BY THE INTERCOLONIAL RAILWAY—Motion for return—Mr. Northup	..	..	...	...	...	414
Debate adjourned—Mr. Scott	...	..	..	..	..	434
FORT FRANCIS LOCK COMMITTEE—Motion—						
“That the evidence taken from time to time before the Select Committee appointed to inquire into all the questions relating to the construction of the Fort Francis Lock, to be printed for the use of the members of this House, but that no copies thereof be delivered except to the members of the Committee until further order.”—Mr. Macpherson.						
After debate, motion agreed to	..	...	..	..	..	434
POST OFFICE ACT AMENDMENT BILL (17)—						
Read the first time—Mr. Pelletier	..	..	...	..	..	435

SYDENHAM HARBOR AMENDMENT BILL (31)—	
Read the first time—Mr. Simpson .. .. .	435
MARITIME COURT OF ONTARIO BILL (55)—	
Read the first time—Mr. Pelletier .. ...	435
MANITOBA CONFLICTING LAND CLAIMS BILL (46)—	
Read the first time—Mr. Scott .. .. .	435
PUBLIC WORKS LAW AMENDMENT BILL (13)—	
Read the first time—Mr. Pelletier ... .. .	435

**Tuesday, April 2nd.**

LIVERPOOL BANK BILL (22)—	
Read the third time—Mr. Kaulbach ... .. .	435
NORTHERN RAILWAY COMPANY'S BILL (27)—	
Read the third time—Mr. Campbell ... .. .	435
SHIPMENT OF GRAIN BY THE INTERCOLONIAL RAILWAY—The debate continued—	
Mr. Scott ... .. .	435
The motion agreed to .. ...	449
LIQUOR TRAFFIC REGULATION BILL (J)—	
House in Committee—Mr. Scott ... .. .	450
CANADA SOUTHERN RAILWAY SCHEME BILL (6)—	
Amendments concurred in—Mr. Dickson .. .. .	460
SYDENHAM HARBOR COMPANY'S BILL (31)—	
Read the second time—Mr. Simpson .. .. .	460
ONTARIO MARITIME COURT BILL (55)—	
Read the second time—Mr. Pelletier ... .. .	461
HER MAJESTY'S MAILS IN CAPE BRETON—Motion to communicate returns to	
House of Commons—Mr. Scott—Agreed to ... .. .	461
LIQUOR TRAFFIC REGULATION BILL (J)—	
House again in Committee ... .. .	461

**Thursday, April 4th.**

NATIONAL INSURANCE COMPANY'S BILL (8)—	
Read the third time .. .. .	464
DOMINION COMPANY'S BILL (E)—	
Preamble reported, not proven—Mr. Hamilton .. .. .	464
Motion to refund expenses—Mr. Campbell—Agreed to .. .. .	464
LIQUOR TRAFFIC REGULATION BILL (J)—	
House again in Committee ... .. .	464
Bill reported with amendments .. .. .	468
CANADA SOUTHERN RAILWAY SCHEME BILL (6)—	
Motion for third reading—Mr. Dickson .. .. .	468
Motion to amend—Mr. Hope ... .. .	468
After debate, amendment rejected—Contents, 12 ; Non-contents, 39 .. .. .	471
Bill read the third time and passed .. .. .	471
BIBLE CHRISTIAN MISSIONARY BILL (K)—	
Motion for third reading—Mr. Simpson .. .. .	471

Motion in amendment—

“ That the question be not now put, but that the Bill be referred to the Judges of the Supreme Court for their opinion on the question whether this measure does or does not relate to a matter coming within the classes of subjects assigned exclusively to the Legislatures of the Provinces by the British North America Act, 1867, section 92, sub-section 13, ‘ Property and Civil Rights in the Provinces ’ ; sub-section 11 of the same section, ‘ Incorporation of Companies, with Provincial objects ’ ; sub-section 16, ‘ Generally all matters of a merely local or private nature in the Province ’ ; and, lastly sub-section 7, ‘ The establishment, maintenance, and management of Hospitals, Asylums, Charities and Eleemosynary Institutions in and for the Province, other than Marine Hospitals ’ .”—Mr. Bellerose. 471

After debate, motion rejected, Contents; 14, Non-Contents, 34. . . . . 474

Bill read the third time and passed . . . . . 474

**Friday, April 5th.**

**MONTREAL BUILDING ASSOCIATION'S BILL (G)**—  
Reported from Committee, read the third time and passed. . . . . 475

**SYDENHAM HARBOR COMPANY'S BILL**—  
Reported from Committee, read the third time, and passed . . . . . 475

**MINISTERIAL CHANGES IN QUEBEC**—Motion for return—Mr. Campbell—Agreed to 475

**CONSTRUCTION OF THE PACIFIC RAILWAY**—Motion—  
“ That this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway involves the expenditure of enormous sums of public money without any corresponding beneficial results.”—Mr. Read. 475

Debate adjourned—Mr. Girard . . . . . 496

**WITNESSES COMPETENCY IN COMMON ASSAULT CASES BILL (3)**  
—Read the second time—Mr. Pelletier . . . . . 496

**POST OFFICE ACT AMENDMENT BILL (17)**—  
Read the second time—Mr. Pelletier . . . . . 496

**MARITIME COURT OF ONTARIO BILL (55)**—  
Read the second time—Mr. Pelletier . . . . . 496

**MAINTOBA CONFLICTING LAND CLAIMS BILL (46)**—  
Read the second time—Mr. Scott . . . . . 496

**PUBLIC WORKS LAW AMENDMENT BILL (13)**—  
Read the second time—Mr. Pelletier . . . . . 496

**LYON DIVORCE BILL (H)**—  
Third Reading postponed after discussion . . . . . 496

**Monday, April 8th.**

**THE PACIFIC RAILWAY**—(Peace River Route)—Motion for return—Mr. Macdonald (Victoria) . . . . . 497

Agreed to after debate . . . . . 500

**INDIAN TROUBLES IN THE NORTH-WEST**—Enquiry, Mr. Girard; Answer—Mr. Scott . . . . . 500

**AMENDING THE RULES**—Reception of Private Bills—Motion—Mr. Bellerose . . . . . 503

After debate, postponed. . . . . 504

**THE FIRE AT ST. JOHN, N. B.**—Enquiry, Mr. Dever; Answer, Mr. Scott . . . . . 504

**THE SESSIONAL PRINTING**—Motion to adopt Report of Printing Committee—Agreed to . . . . . 507

## BROCKVILLE AND OTTAWA AND CANADA CENTRAL RAILWAY

## BILL (9)—

Read the second time—Mr. Penny	..	..	..	..	507
HOCHELAGA BUILDING SOCIETY'S BILL (48)—					
Read the second time—Mr. Trudel	..	..	..	..	507
MINISTERIAL CHANGES IN QUEBEC—Message from His Excellency	..	..	..	..	507
CONTAGIOUS DISEASES OF CATTLE—Explanation, Mr. Pelletier	..	..	..	..	508
CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Girard	..	..	..	..	508
POST-OFFICE ACT AMENDMENT BILL (17)—					
Read the third time and passed—Mr. Pelletier	..	..	..	..	512
MARITIME COURT OF ONTARIO BILL (55)—					
Read the third time and passed—Mr. Pelletier	..	..	..	..	512
PUBLIC WORKS LAW AMENDMENT BILL (13)—					
Motion for third reading—Mr. Pelletier	..	..	..	..	512
Motion to amend—Mr. Wilmot	..	..	..	..	512
After discussion, third reading postponed	..	..	..	..	513
LYON DIVORCE BILL (H)—					
Read the third time and passed on a Division—Mr. Kaulbach	..	..	..	..	513
Motion to return evidence—Mr. Kaulbach—Agreed to	..	..	..	..	513

## Tuesday, April 9th.

EVIDENCE IN DIVORCE CASES—Motion—					
"To Resolve, That the evidence taken in Divorce Cases before Committees of this House, shall not form part of the Journals of the House; but that such evidence shall be printed for the use of Members, and shall be distributed only to Members."—Mr. Power.					
..	..	..	..	..	513
After debate, motion allowed to stand	..	..	..	..	516
Motion—					
"That the evidence submitted by the Select Committee to whom was referred the Bill intituled: 'An Act for the relief of Victoria Elizabeth Lyon' be not inserted in the Journals of this House."—Mr. Kaulbach.					
Agreed to	..	..	..	..	516
THE ROUTE OF THE PACIFIC RAILWAY—Motion for return—Mr. Macdonald, (Victoria)					
..	..	..	..	..	516
CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Scott					
..	..	..	..	..	516
AGRICULTURAL MUTUAL ASSOCIATION'S BILL (32)—					
Read the first time—Mr. Miller	..	..	..	..	531

## Wednesday, April 10th.

LIQUOR TRAFFIC REGULATION BILL (J)—					
Amendments concurred in	..	..	..	..	531

## Thursday, April 11th.

IMPORTS OF PLASTER OF PARIS AND GYPSUM—Motion for Return—Mr. McClelan—Agreed to					
..	..	..	..	..	540
THE DOMINION REVENUE—Motion for Return—Mr. Dever—Agreed to					
..	..	..	..	..	541
CANADIAN PACIFIC RAILWAY—Enquiry, Mr. Cornwall; Answer, Mr. Scott					
..	..	..	..	..	544
DUTIES COLLECTED AT ST. JOHN—Motion for return—Mr. Dever—Withdrawn					
..	..	..	..	..	546

INDIAN RESERVES IN BRITISH COLUMBIA—Motion for return—Mr. Carrall	...	546
After debate, agreed to	.. .. .	550
EARL DUFFERIN'S DEPARTURE—Message and Address	.. .. .	550
After debate, adopted	.. .. .	552
CANADA AGRICULTURAL INSURANCE CO.'S BILL (29)—		
Read the first time—Mr. Bellerose	.. .. .	552
RECEIVER-GENERAL AND ATTORNEY-GENERAL OFFICES BILL (51)—		
Read the first time—Mr. Scott	.. .. .	552
LIQUOR TRAFFIC REGULATION BILL (J)—		
Read the third time and passed, after debate	.. .. .	552
MANITOBA CONFLICTING LAND CLAIMS BILL (46)—		
Motion to go into Committee of the Whole—Mr. Scott	.. .. .	559
Motion to amend—Mr. Girard.	.. .. .	559
After debate, amendment adopted; Contents, 22; Non-Contents, 18	.. .. .	562
House in Committee—	.. .. .	563
Bill reported, read third time and passed	.. .. .	563
PUBLIC WORKS AMENDMENT BILL (13)—		
In Committee, read the third time and passed	.. .. .	563
PORT WHITBY HARBOR COMPANY'S BILL (19)—		
Read the second time—Mr. Aikins	.. .. .	563

### Friday, April 12th.

AGRICULTURAL MUTUAL ASSURANCE ASSOCIATION BILL (32)—		
Read the second time—Mr. Miller	.. .. .	563
PRINTING EVIDENCE OF DIVORCE COMMITTEES—Motion—		
" That the question of printing the evidence taken in Divorce cases before Committees of this House, be referred to a Committee to be composed of the Hon. Messieurs Botsford, Scott, Campbell, Bureau, Haviland, Miller, and Seymour, with a view to their reporting a rule for adoption by the House."—Mr. Power.		
Motion agreed to	.. .. .	563
FOREIGN INSURANCE COMPANIES—Motion for Return—Mr. Aikins—Agreed to...		563
PRIVATE BILLS IN THE SENATE—		
Motion—		
" That the question of amending the 49th Rule of this House so as to make it applicable only to Private Bills originating in the Senate, be referred to the Select Committee appointed this day for the purpose of reporting a rule for the adoption of the House in reference to printing the evidence taken in Divorce Cases before Select Committees."—Mr. Bellerose.		
Motion agreed to	.. .. .	564
BROCKVILLE & OTTAWA AND CANADA CENTRAL RAILWAYS AMALGAMATION BILL (9)—		
Reported from Committee, read the third time and passed..	.. .. .	564
HOCHELAGA BUILDING SOCIETY'S BILL (48)		
Reported from Committee, read the third time and passed...	.. .. .	564
WITNESSES COMPETENCY IN COMMON ASSAULT CASES BILL (3)—		
In Committee of the Whole—Mr. Scott	.. .. .	564
After debate, reported without amendment, read third time and passed.	.. .. .	567

CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Penny ..	568
THE ADDRESS TO HIS EXCELLENCY—Announcement of Presentation—Mr. Scott	595

### Monday, April 15th.

PORT WHITBY HARBOR COMPANY'S BILL (19)— Reported from Committee, read the third time and passed .. ..	595
THE MINISTERIAL CHANGE IN QUEBEC—Resolution :— “To resolve,—That the Messages of His Excellency the Governor-General of the 26th March and 8th April, be now read, and that it be resolved that the course adopted by the Lieutenant-Governor of the Province of Quebec towards his late Ministry was at variance with the constitutional principles upon which Responsible Government should be conducted.”—Mr. Campbell .. .. .	595
DEBATE ADJOURNED—Mr. Power .. .. .	640
ONTARIO EXPRESS AND TRANSPORTATION COMPANY'S BILL (7)— Read the first time—Mr. Hope .. .. .	640

### Tuesday, April 16th.

BILLS ASSENTED TO— .. .. .	640
THE PACIFIC RAILWAY—Motion for return—Mr. Read—Agreed to .. ..	641
THE EASTER ADJOURNMENT—Motion— “That when this House adjourns on Wednesday next, it do stand adjourned to Tuesday the 23rd April.”—Mr. Aikins .. .. .	641
Motion agreed to .. .. .	641
THE MINISTERIAL CHANGE IN QUEBEC—The debate continued—Mr. Power ..	641
Motion in amendment. “That all the words after ‘To Resolve’ be struck out and the following substituted : ‘That under the rule of our Constitution, the Federal Government, and the Provin- cial Governments, each in their own sphere enjoy responsible Government equally, separately and independently; therefore, under existing circumstances, this House deems it in expedient to offer any opinion on the recent action of the Lieutenant-Governor of the Province of Quebec, or of his late Ministers.’”—Mr. Haythorne .. .. .	675
Motion negatived—Contents, 20; Non-contents, 37 .. .. .	676
Resolution agreed to on the same Division .. .. .	676
WITNESSES COMPETENCY IN COMMON ASSAULT CASES—Motion for third reading— Mr. Pelletier .. .. .	676
Amendment—Mr. Dickey—adopted .. .. .	676
Bill read the third time and passed .. .. .	677

### Wednesday, April 17th.

TRANSPORTATION OF STEEL RAILS—Motion for return—Mr. Macpherson—Agreed to after debate .. .. .	677
RECEIVER-GENERAL AND ATTORNEY-GENERAL OFFICES BILL (51)— Motion for second reading—Mr. Scott .. .. .	681
Motion to postpone second reading for three months—Mr. Wilmot....	685
Amendment adopted—Contents, 34; Non-contents, 22 .. .. .	695
DECK-LOADS BILL (62)— Read the first time .. .. .	695

<b>MALT DUTY BILL (61)—</b>	
Read the first time—Mr. Pelletier ... ..	695
<b>HOMESTEADS EXEMPTIONS IN TERRITORIES BILL(41)—</b>	
Read the first time—Mr. Scott ... ..	695
<b>PENITENTIARY ACT 1875 AMENDMENT BILL (69)—</b>	
Read the first time—Mr. Pelletier .. ..	695
<b>CANADIAN PACIFIC RAILWAY ACT AMENDMENT BILL (52)—</b>	
Read the first time—Mr. Pelletier .. ..	695
<b>ONTARIO EXPRESS AND TRANSPORTATION COMPANY'S BILL (7)—</b>	
Read the second time—Mr. Hope ... ..	696
<b>CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Trudel</b>	696
Debate adjourned—Mr. Hope .. ..	713
<b>PUBLIC ACCOUNTS AUDIT BILL (53)—</b>	
Read the first time—Mr. Scott .. ..	713
<b>MERCHANTS' SHIPPING BILL (63)—</b>	
Read the first time—Mr. Pelletier .. ..	713

**Thursday, April 18th.**

<b>CANADA AGRICULTURAL INSURANCE COMPANY'S BILL (29)—</b>	
Read the third time—Mr. Bellerose ... ..	713
<b>AGRICULTURAL MUTUAL ASSURANCE ASSOCIATION BILL (32)—</b>	
Read the third time and passed ... ..	713
<b>A PERSONAL EXPLANATION—Dr. Carrall ... ..</b>	714
<b>DECKLOADS BILL (62)—</b>	
Read the second and third time and passed—Mr. Pelletier .. ..	714
<b>CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Hope</b>	714
Debate adjourned—Mr. Haythorne .. ..	733
<b>CATTLE DISEASES IN ENGLAND—Enquiry, Mr. Haythorne ; Answer, Mr. Pelletier</b>	733

**Tuesday, April 23rd.**

**INTERCOLONIAL RAILWAY HEADQUARTERS—Motion—**

" That the return presented on the fifteenth day of March last to the Address of this House of the 20th day of February last for copies of all Orders-in-Council, reports, recommendations and correspondence and any other information in the possession of the Government relative to the fixing of the headquarters of the Intercolonial Railway at Moncton be taken into consideration."—Mr. Power. . . . .	734
After debate, subject dropped ... ..	737

<b>MERCHANT SHIPPING BILL (63)—</b>	
Read the second and third time and passed—Mr. Pelletier ... ..	737
<b>MALT DUTY BILL (61)—</b>	
Read the second and third time and passed—Mr. Pelletier ... ..	737
<b>HOMESTEADS EXEMPTIONS IN TERRITORIES BILL (41)—</b>	
Read the second time—Mr. Scott .. ..	738
<b>PENITENTIARY ACT 1875 AMENDMENT BILL (69)—</b>	
Read the second time—Mr. Pelletier .. ..	738

CANADIAN PACIFIC RAILWAY ACT AMENDMENT BILL (52) <sup>o</sup> — Read the second time—Mr. Pelletier .. .. .	738
PRISONERS' SURETIES BILL (73)— Read the first time—Mr. Scott .. .. .	738
MANITOBA CONFLICTING LAND CLAIMS BILL (46)— The Commons disagrees to the amendment .. .. .	738
Motion to consider Message—Mr. Girard .. .. .	739
CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Haythorne ..	739
Debate adjourned—Mr. Miller .. .. .	747

**Wednesday, April 24th.**

THE JUDICIARY OF NEW BRUNSWICK—Enquiry, Mr. Dever; Answer, Mr. Scott	748
INSOLVENT INSURANCE COMPANIES WINDING UP FACILITY BILL (65)— Read the first time—Mr. Scott .. .. .	757
INDEPENDENCE OF PARLIAMENT FURTHER SECURITY BILL (14)— Read the first time—Mr. Scott .. .. .	757
PETITION FOR A PRIVATE BILL—Refused .. .. .	757
PENITENTIARY ACT 1875 AMENDMENT BILL (69)— Read the third time and passed—Mr. Pelletier .. .. .	757
HOMESTEADS EXEMPTIONS ESTATES BILL (41)— Read the third time and passed—Mr. Scott .. .. .	757
AUDITING OF PUBLIC ACCOUNTS BILL (53)— Read the second time .. .. .	758
PRISONER'S SURETIES BILL (73)— Read the second time—Mr. Scott .. .. .	758
CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Miller ..	758
Debate adjourned—Mr. Read .. .. .	778

**Thursday, April 25th.**

STADACONA INSURANCE CO.'S BILL (10)— Reported from Committee, read the third time and passed .. .. .	778
ONTARIO EXPRESS AND TRANSPORTATION COMPANY'S BILL (7)— Reported from Committee, read the third time and passed .. .. .	778
CONFLICTING CLAIMS TO LAND IN MANITOBA—Motion for return—Mr. Girard— Agreed to. .. .. .	778
INSOLVENT INSURANCE COMPANY'S BILL (65)— Committee of the Whole—Mr. Scott .. .. .	779
PACIFIC RAILWAY ACT AMENDMENT BILL (52)— Motion to go into Committee of the Whole—Mr. Pelletier .. .. .	780
After Debate the House in Committee .. .. .	785
Amendment moved—Mr. Miller .. .. .	787
Amendment adopted .. .. .	796
PRISONERS' SURETIES BILL (73)— Read the third time and passed .. .. .	796

**Friday, April 26th.**

THE STEEL RAILS—Motion for return—Mr. Wark—agreed to	796
THE DEFENCES OF BRITISH COLUMBIA—Enquiry—Mr. Macdonald (Victoria) Reply—Mr. Scott	797
THE CONSTRUCTION OF THE PACIFIC RAILWAY—Debate continued—Mr. Reesor Resolution adopted, Contents 36, Non-Contents 20	797 815
PROMISSORY NOTES AND BILLS OF EXCHANGE BILL (4)— Read the first time—Mr. Scott	815
MISDEMEANOR LAW OF EVIDENCE AMENDMENT BILL (40)— Read the first time—Mr. Campbell	815
MANITOBA CONFLICTING LAND CLAIMS BILL— Message from the Commons considered Motion to recede from amendments—Mr. Scott—After debate, agreed to	815 821
INSOLVENT INSURANCE COMPANIES' BILL (65)— Read the third time and passed—Mr. Scott	821

**Monday, April 29th.**

INTERCOLONIAL RAILWAY—Motion for return—Mr. Wark	821
PUBLIC ACCOUNTS AUDIT BILL (53)— Motion to go into Committee of the Whole—Mr. Scott	821
HOUSE IN COMMITTEE Bill reported with Amendments	823 825
INDEPENDENCE OF PARLIAMENT FURTHER SECURITY BILL (14)— Read the second time after debate	825
PACIFIC RAILWAY ACT AMENDMENT BILL (52)— Consideration of Report of Committee postponed	830

**Tuesday, April 30th.**

THE REVENUE OF THE DOMINION—Motion for Returns—Mr. Dever—Agreed to	832
ELECTION LAW AMENDMENT BILL (20)— Read the first time—Mr. Pelletier	834
BUILDING SOCIETIES' AMENDMENT BILL (55)— Read the first time...	834
PACIFIC RAILWAY ACT AMENDMENT BILL (52)— Motion to reconsider report of Committee of the Whole—Mr. Pelletier After debate, motion rejected—Contents, 20; Non-Contents, 39 Amendments concurred in, and Bill read the third time and passed	834 863 863
STAMPS ON PROMISSORY NOTES AND BILLS OF EXCHANGE BILL (4)— Read the second time	863
PUBLIC ACCOUNTS AUDIT BILL (53)— Amendments concurred in	864

**Wednesday, May 1st.**

ST. PETER'S CANAL—Motion—

“That the Return to the Address of the Senate during the present Session, for copies of contracts, Reports, and Orders in Council relating to the St. Peter's Canal be taken into consideration by the House.”—Mr. Miller.

FISHERIES OF BRITISH COLUMBIA—Enquiry—Dr. Carrall .. .. .	870
PUBLIC ACCOUNTS AUDIT BILL (53)— Read the third time .. .. .	870
INDEPENDENCE OF PARLIAMENT FURTHER SECURITY BILL (14)— In the Committee .. .. .	870
ELECTION LAW AMENDMENT BILL (20)— Read the second time—Mr. Pelletier .. .. .	885
BUILDING SOCIETIES' AMENDMENT BILL (55)— Read the second time—Mr. Allan .. .. .	885
STAMPS ON BILLS OF EXCHANGE BILL (4)— In Committee—Mr. Scott .. .. .	885

**Thursday, May 2nd.**

INDEPENDENCE OF PARLIAMENT FURTHER SECURITY BILL (53)— Consideration of amendments .. .. .	886
Motion to restore clause "B"—Mr. Scott—rejected .. .. .	887
Motion to postpone further consideration—Mr. Allan—Agreed to on a division	893
ELECTION LAW AMENDMENT BILL (20)— In Committee—Mr. Pelletier .. .. .	893

**Friday, May 3rd.**

BUILDING SOCIETIES' BILL (55)— Read the third time and passed .. .. .	895
THE HAWS CHANCERY CASE—Motion for return—Mr. Penny—Agreed to ..	896
THE TRANSPORTATION OF RAILS CONTRACT—Enquiry—Mr. Macpherson ; answer, Mr. Scott .. .. .	896
STAMPS ON BILLS OF EXCHANGE BILL (4)— Read the third time—Mr. Scott .. .. .	896
LAW OF EVIDENCE AMENDMENT BILL (40)— Motion to postpone, second reading .. .. .	896
Motion carried—Contents, 33; Non-contents, 23... .. .	898
THE PUBLIC PRINTING—Reports of the Joint Committee—Mr. Simpson— Adopted .. .. .	898
INDEPENDENCE OF PARLIAMENT BILL— Motion for third reading .. .. .	899
Motion to reconsider amendment to clause 10—Mr. Dickey—rejected.—Con- tents, 37; Non-contents, 19 .. .. .	899
Motion to amend clause 10—Mr. Allan—Agreed to. Contents, 37; Non- contents, 19 .. .. .	901
Bill read the third time and passed .. .. .	901
ELECTIONS LAW AMENDMENT BILL (20)— Motion to refer to Committee of the Whole— .. .. .	901
Motion to amend—Mr. Ryan—Rejected; Contents, 16; Non-contents, 38 ..	902
Bill in Committee, reported without amendment, read the third time and passed .. .. .	902
THE BOUNDARIES OF THE DOMINION Address to Her Majesty—Carried ..	903

**Monday, May 6th.****SUPREME COURT AMENDMENT BILL (68)—**

Read the first time. . . . . 903

**Tuesday, May 7th.**

**FORT FRANCIS LOCK—**Motion to adopt the report of the Committee—Mr. Macpherson . . . . . 904

Motion agreed to on a division . . . . . 913

**SUPREME COURT ACT AMENDMENT BILL (68)—**

Read the second time—Mr. Scott . . . . . 913

**PACIFIC RAILWAY ACT AMENDMENT BILL—**

Message from the Commons . . . . . 915

Motion to insist upon the Senate amendments—Mr. Campbell . . . . . 918

Motion agreed to, after debate—Contents, 35 ; Non-contents, 20 . . . . . 934

**LIQUOR TRAFFIC REGULATION BILL (J)—**

Commons amendments concurred in . . . . . 934

**Wednesday, May 8th.**

**PILOTAGE REGULATIONS IN NOVA SCOTIA—**Motion for return—Mr. Miller . . . . . 935  
After debate, agreed to . . . . . 937

**HALIFAX FISHERIES COMMISSION—**Motion—

“ That copies of all documents and pleadings relating to the questions decided by the award rendered at Halifax on the subject of the indemnity of five millions five hundred thousand dollars, under the Treaty of Washington particularly the 22nd and 23rd articles of that Treaty, and copies of all letters and despatches between Her Majesty's Government and those of the United States of America and of Canada on the same subject since the rendering of the award laid before this House, in return to an Address on the 24th day of April last, be translated into French by persons to be selected for that purpose by the Hon. Messieurs Chapais and Bureau, under the superintendence of the Clerk of the Senate.”—Mr. Bellerose. . . . . 937

Motion agreed to, after debate . . . . . 939

**THE KAMINISTQUIA TERMINUS—**Motion to adopt the report of the Committee—Mr. Girard . . . . . 939

Motion agreed to after debate—Contents, 30 ; Non-contents, 18 . . . . . 965

**AID TO PUBLIC SCHOOLS IN MANITOBA BILL—**

Read the first time—Mr. Scott . . . . . 965

The forty-first Rule Suspended . . . . . 965

Read the second and third time and passed . . . . . 966

**ADULTERATION OF FOOD ACT AMENDMENT BILL—**

Read the first time . . . . . 966

**PREVENTION OF CRIMES OF VIOLENCE BILL—**

Read the first time . . . . . 966

**SUPREME COURT ACT AMENDMENT BILL—**

Read the third time, after debate, and passed . . . . . 967

**THE HALIFAX FISHERIES COMMISSION**

Motion to Print the Report—Mr. Simpson—Agreed to . . . . . 979

**PREVENTION OF CRIMES OF VIOLENCE BILL—**

In Committee—Read the third time and passed . . . . . 979

## ADULTERATION OF FOOD ACT AMENDMENT BILL—

Read the second and third time and passed .. .. .	979
---	-----

**Thursday, May 9th.**

## INDEPENDENCE OF PARLIAMENT FURTHER SECURITY BILL (14)—

Message from the Commons disagreeing with Senate Amendments ..	979
Message from the Senate—moved—Mr. Campbell .. .. .	981
Adopted—Contents, 28 ; Non-Contents, 18 .. .. .	983

## THE SUPPLY BILL—

Introduced (Mr. Scott) .. .. .	983
Read and Passed .. .. .	1002

## SUPREME AND EXCHEQUER COURTS AMENDMENT BILL—

Message from the Commons disagreeing to Senate Amendments ..	1002
Message from the Senate—moved—Mr. Campbell .. .. .	1003
Adopted—Contents, 14 ; Non-Contents, 11 .. .. .	1008

## INDEPENDENCE OF PARLIAMENT FURTHER SECURITY BILL—

Message from the Commons agreeing to Senate Amendment .. .. .	1003
---	------

**Friday, May 10th.**

HIS EXCELLENCY COMMANDS THE ATTENDANCE OF THE COMMONS .. .. .	1004
BILLS ASSENTED TO .. .. .	1004
BILLS RESERVED .. .. .	1005
THE SUPPLY BILL ASSENTED TO .. .. .	1005
HIS EXCELLENCY'S SPEECH .. .. .	1005
PROROGATION OF PARLIAMENT .. .. .	1006

# DEBATES AND PROCEEDINGS

—OF THE—

# SENATE OF CANADA

—FOR THE—

FIFTH SESSION OF THE THIRD PARLIAMENT OF THE DOMINION OF CANADA, CALLED FOR DESPATCH OF BUSINESS ON THE SEVENTH DAY OF FEBRUARY, 1878.

## CHAMBER OF THE SENATE.

*Ottawa, 7th February, 1878.*

This day, at Three o'clock, p.m., the Honorable SIR WILLIAM BUELL RICHARDS Knight, Deputy Governor, proceeded to the Chamber of the Senate, in the Parliament Buildings. The Members of the Senate being assembled, the Deputy Governor was pleased to command the attendance of the House of Commons, and that House being present, the Speaker of the Senate said on behalf of the Deputy Governor that he did not think fit to declare the causes for which the present Parliament had been summoned until a Speaker of the House of Commons had been elected according to law. After which the Members of the House of Commons retired to their own Chamber. The Deputy Governor then withdrew.

## THE SPEECH FROM THE THRONE.

*Ottawa, Friday, 8th February, 1878.*

This day, at Three o'clock, p.m., His Excellency the GOVERNOR GENERAL proceeded in state to the Chamber of the Senate, in the Parliament Buildings, and took His Seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that

*The Speech.*

House being present, His Excellency was pleased to open the Fifth Session of the Third Parliament of the Dominion of Canada with the following Speech from the Throne :—

*Hon. Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

In again summoning you for the despatch of business, I am gl'd to be able to say that nothing beyond the ordinary business of the country requires your attendance.

It afforded me great pleasure to have had an opportunity before my departure from Canada of visiting the Province of Manitoba and a portion of the outside Territories, which visit I accomplished during last Autumn. I have now had the advantage of visiting every Province in the Dominion during the term of my Government of Canada.

I am happy to be able to say that the arbitration on the Fishery claims, under the terms of the Washington Treaty, has been concluded. An award has been made by the Commission of \$5,500,000 as compensation to Canada and Newfoundland for the use of their fisheries during the term of the present treaty. This amount is much less than that claimed by my Government, but having assented to the creation of the tribunal for the determination of their value, we are bound loyally to assent to the decision given.

The exhibition of Canadian manufactures and products at Sydney, New South Wales, was successfully carried out. I trust that the result will be the opening up of a new market for Canadian goods even in so remote a region as the Australasian colonies, shipments of Canadian productions having already been made. The expenditure will slightly exceed the estimate, but I doubt not the cost to Canada will be amply repaid by the extension of her trade.

Preparations have been uninterruptedly carried on, during the last six months, for securing an ample but select exhibition of Canada's products and manufactures at the great exhibition to be held at Paris during the current year. A further estimate will be required to meet the expenditure. His Royal Highness the Prince of Wales, as chairman of the British Commissioners, has assigned a most prominent place to Canada in one of the main Towers, where a Canadian Trophy is now being erected.

A very disastrous fire occurred in June last in the City of St. John, which caused the destruction of a large portion of the City, including all the public buildings owned by the Dominion Government. My Government deemed it necessary to contribute \$20,000 to assist in relieving the immediate wants of the people who were rendered destitute by so appalling a calamity. I also sanctioned the appropriation of some public money, with which to commence the erection of new buildings for the public business, which acts you will be asked to confirm in the usual way.

During last summer my Commissioners made another Treaty with the Blackfeet, Blood and Piegan Indians, by which the Indian title is extinguished over a territory of 51,000 square miles west of Treaty No. 4, and south of Treaty No. 6. The Treaty has been made on terms nearly the same as those under Treaty No. 6, though somewhat less onerous. The entire territory west of Lake Superior to the Rocky Mountains, and from the boundary nearly to the 55th degree of North latitude, embracing about 450,000 square miles, has now been acquired by peaceful negotiation with the native tribes, who place implicit faith in the honor and justice of the British Crown.

Early in the past summer a large body of Indians, under Sitting Bull, from the United States, crossed into British territory, to escape from the United States troops, and have since remained on the Canadian side.

*The Speech.*

The United States Government made a friendly but unsuccessful attempt to induce these Indians to return to their reservations. It is to be hoped that such arrangements may yet be made as may lead to their permanent and peaceful settlement, and thus relieve Canada of a source of uneasiness and a heavy expenditure.

The surveys of the Pacific Railway have been pressed to completion during the past season. A complete instrumental survey of the route, by the valleys of the North Thompson and Lower Fraser Rivers, has been made with a view to ascertain definitely, whether that route presents more favorable features than the routes already surveyed to Dean Inlet and Bute Inlet respectively. It is believed that the additional information now obtained will enable my Government to determine which route is the most advantageous from Tête Jaune Cache to the sea. Full information will be laid before you at an early day, of the season's work in this and other directions.

I am happy to be able to congratulate you on the abundant harvest reaped in all quarters of the Dominion; and I rejoice that under this and other influences there has been some improvement in the Revenue returns, thus indicating, I trust, that the commercial depression that has so long afflicted Canada, in common with other countries, is passing away.

My attention has been called to some imperfections in the existing system of auditing the Public Accounts, and a measure providing for their more thorough and effective supervision will be submitted for your consideration.

The prospect of obtaining, at an early day, greater facilities for reaching the North Western Territories and the Province of Manitoba, is sure to attract a larger number of settlers every year and, as much of the prosperity of the Dominion depends on the rapid settlement of the fertile lands in those Territories, it is desirable and necessary to facilitate such settlement as much as possible. In order to affect this measures will be submitted for your consideration concerning the registration of titles, the enactment of a Homestead Law, and the promotion of Railway enterprise in districts not touched by the Canada Pacific Railway.

Your attention will be called to a measure for better securing the independence of Parliament.

Experience has shown that certain changes may advantageously be made in the departmental arrangements existing at present. A bill will be submitted to you for accomplishing this purpose without increasing the expenditure, or the number of Departments.

It is very desirable that there should be uniform legislation in all the Provinces respecting the traffic in spirituous liquors. Hitherto that trade has been regulated by Provincial laws, or laws existing from the Confederation of the Provinces, although there has been lately a conflict of authority as to the jurisdiction of the local authorities. A bill making the necessary provision will be submitted for your consideration.

Various measures found necessary for the amendment of existing laws will also be submitted for your approval.

*Gentlemen of the House of Commons :*

The Estimates for the ensuing year will be laid before you at an early day. They have been prepared with an anxious desire to provide for all the branches of the public service and the execution of pressing public works within the limits of the expected revenue, without increasing the burden of taxation.

I have directed that the Public Accounts of the past financial year shall be laid before you.

His Excellency then withdrew.

BILL INTRODUCED.

Hon. Mr. SCOTT introduced a bill, entitled, "An act relating to Railways," which was read the first time.

THE SPEECH FROM THE THRONE.

Hon. Mr. SCOTT moved that His Excellency's speech be taken into consideration on Monday next.—Carried.

The House adjourned at 4 p. m.

*The Speech.*

## THE SENATE.

*Monday, Feb. 11th.*

The SPEAKER took the chair at 3 p.m.

After Routine.

Hon. Mr. CAMPBELL called attention to the fact, that all the words of the form used by the Speaker of the other House at the Bar of the Senate were not entered in the Minutes.

The SPEAKER—I beg to explain to the hon. Senator, that when a Speaker is elected during the currency of a Parliament, it is not usual to ask again the concession of privileges which were asked for and obtained at the beginning of Parliament. For that reason, although the words were spoken the other day, I had some hesitation in answering the Speaker of the other House. The form in which he put it required the answer to be given in the same form. However, it was not thought necessary to put it in that shape, and after consultation with the Speaker of the other House, it was recorded in the Minutes as it appears, which is as nearly as possible in the same form as in the House of Commons in England.

THE ADDRESS.

Hon. Mr. THIBEAUDEAU, seconded by the Hon. Mr. LEWIN, moved:—

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

To His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, Viscount and Baron Clandeboye, of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye, of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of the Most Illustrious Order of Saint Patrick, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, and Knight Commander of the Most Honorable Order of the Bath, Governor-General of Canada, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY :

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

We rejoice with Your Excellency that in again summoning us for the despatch of business, Your Excellency is able to say that nothing beyond the ordinary business of the country requires our attendance.

We are glad that Your Excellency had an opportunity before your departure from Canada of visiting the Province of Manitoba and a portion of the outside Territories, which visit Your Excellency accomplished during last Autumn. Your Excellency has now had the advantage of visiting every Province in the Dominion during the term of your government of Canada.

We are happy to be informed that the arbitration on the Fishery Claims, under the Washington Treaty, has been concluded, and that an award has been made by the Commission of \$5,500,00 as compensation to Canada and Newfoundland for the use of their fisheries during the term of the present treaty. Though this amount is much less than that claimed by Your Excellency's Government, we agree with Your Excellency that having assented to the creation of the tribunal for the determination of their value, we are bound loyally to assent to the decision given.

We rejoice to know that the exhibition of Canadian manufactures and products at Sydney, New South Wales, was successfully carried out. We trust that the result will be the opening up of a new market for Canadian goods even in so remote a region as the Australasian colonies, shipments of Canadian productions having already been made. Though the expenditure may exceed the estimate, we doubt not the cost to Canada will be amply repaid by the extension of her trade.

It gives us great pleasure to learn that preparations have been uninterruptedly carried on, during the last six months, for securing an ample but select exhibition of Canada's products and manufactures at the great exhibition to be held at Paris during the current year. We are prepared to concur in any further grant that may be required to meet the expenditure.

*Hon. Mr. Thibeau.*

That His Royal Highness the Prince of Wales, as Chairman of the British Commissioners, has assigned a prominent place to Canada in one of the main Towers, where a Canadian Trophy is now being erected; we are also very glad to hear.

We regret to know that a very disastrous fire occurred in June last in the City of St. John, which caused the destruction of a large portion of the city, including all the public buildings owned by the Dominion Government. Your Excellency's Government having deemed it necessary to contribute \$20,000 to assist in relieving the immediate wants of the people who were rendered destitute by so appalling a calamity, and Your Excellency having also sanctioned the appropriation of some public money, with which to commence the erection of new buildings for the public business, we shall be ready to do our part towards confirming those acts in the usual way.

We are glad to learn from Your Excellency, that during last summer Your Excellency's Commissioners made another Treaty with the Blackfeet, Blood and Piegan Indians, by which the Indian title is extinguished over a territory of 51,000 square miles west of Treaty No. 4, and south of Treaty No. 6, that the Treaty has been made on terms nearly the same as those under Treaty No. 6, though somewhat less onerous; and that the entire territory west of Lake Superior to the Rocky Mountains, and from the boundary nearly to the 55th degree of North latitude, embracing about 450,000 square miles, has now been acquired by peaceful negotiation with the native tribes, who place implicit faith in the honor and justice of the British Crown.

We thank Your Excellency for the important information, that early in the past summer a large body of Indians, under Sitting Bull, from the United States, crossed into British territory to escape from the United States troops, and have since remained on the Canadian side, and that the United States Government made a friendly but unsuccessful attempt to induce those Indians to return to their reservations. We agree with Your Excellency in hoping that such arrangements may yet be made as may lead to their permanent and peaceful settlement, and thus relieve Canada of a source of uneasiness and a heavy expenditure.

It affords us great satisfaction to be informed that the Surveys of the Pacific Railway have been pressed to completion during the past season; that a complete instrumental survey of the route, by the valleys of the North Thompson and Lower Fraser Rivers, has been made, with a view to ascertain definitely whether that route presents more favorable features than the routes already surveyed to Dean Inlet and Bute Inlet respectively; and that it is believed that the additional information now obtained will enable Your Excellency's Government to determine which route is the most advantageous from Tête Jaune Cache to the sea. We thank Your Excellency for the promise that full information will be laid before us at an early day of the season's work in this and other directions.

We accept with thankfulness Your Excellency's congratulation on the abundant harvest reaped in all quarters of the Dominion; and we rejoice with Your Excellency, that under this and other influences there has been some improvement in the Revenue returns, thus indicating we also trust, that the commercial depression that has so long afflicted Canada, in common with other countries, is passing away.

Your Excellency having been pleased to inform us that your attention has been called to some imperfections in the existing system of auditing the Public Accounts, and that a measure providing for their more thorough and effective supervision will be submitted for our consideration, we beg leave to say that we shall not fail carefully to consider such measure.

We agree with Your Excellency in thinking that the prospect of obtaining, at an early day, greater facilities for reaching the North Western Territories and the Province of Manitoba, is sure to attract a larger number of settlers every year; and that, as much of the prosperity of the Dominion depends on the rapid settlement of the fertile lands in those Territories, it is desirable and necessary to facilitate such settlement as much as possible. We beg leave to assure Your Excellency that our most earnest and careful attention will be given to the measures which Your Excellency has been pleased to inform us will, in order to effect this, be submitted for our con-

*Hon. Mr. Thibeaudeau.*

sideration concerning the registration of titles, the enactment of Homestead Law, and the promotion of Railway enterprise in districts not touched by the Canada Pacific Railway.

We shall also carefully consider the measure for better securing the independence of Parliament, to which Your Excellency has been pleased to inform us that our attention will be called.

We thank Your Excellency for drawing our attention to the fact that experience has shown that certain changes may advantageously be made in the departmental arrangements existing at present. The bill for accomplishing this purpose without increasing the expenditure, or the number of departments, which Your Excellency has been pleased to say will be submitted to us, will not fail to receive our most attentive consideration.

We concur with Your Excellency in the opinion that it is very desirable that there should be uniform legislation in all the Provinces respecting the traffic in spirituous liquors. Hitherto that trade has been regulated by Provincial laws, or laws existing before the Confederation of the Provinces, although there has been lately a conflict of authority as to the jurisdiction of the local authorities. The bill making the necessary provision which Your Excellency has been pleased to say will be submitted for our consideration, will meet with careful attention from us.

And Your Excellency may depend upon the careful attention and consideration of this House being given to the various measures found necessary for the amendment of existing laws which Your Excellency is pleased to intimate will also be submitted for our approval.

He said:—In rising for the purpose of moving an humble address to His Excellency in answer to the Speech from the Throne, I must first crave the indulgence of my honorable colleagues for my inexperience, considering the trying position in which I am placed in this Parliamentary life which is new to me. It is customary to tender the great honor of moving the address to the last appointed member of this House, and in this instance, while appreciating fully the honor, I cannot refrain from mentioning that it becomes a pleasure, as it gives me an early opportunity of expressing my deep and sincere re-

spects to my senior and wiser colleagues. Before entering into the consideration of the Speech from the Throne, you will allow me to congratulate our Canadian people upon the worthy representative of the Queen, our Governor-General, who rules so wisely the destinies of our country, and represents so well by his justice, great learning, and great ability, the British Crown and British institutions.

It is a pleasure to me, both as a French Canadian and as a member of this honorable House, to remember the great and universal sympathies that Lord Dufferin has aroused on his passage through villages, towns and cities throughout our vast Dominion. He has inspired our hearts with loyalty to the British Crown, deep attachment to British institutions, and rendered dear and sacred our allegiance to Her Majesty.

I may say in the name of all nationalities of this country, that a deep sorrow will be felt on the day that His Excellency will be called from the shores of the St. Lawrence to place under another sky his eminent qualities at the disposal of the British Crown.

The same regrets will apply as strongly to Lady Dufferin, whose grace, affability, and distinguished mind have adorned our Canadian society.

His Excellency has been pleased to notice the award of the Halifax Commission, which closed the several difficulties intended to be settled by the Treaty of Washington. By the maritime portions of the Dominion the award is looked upon as inadequate for compensating the injuries resulting from American competition on the fishing grounds. Taking, however, higher views of the question, the people of this Dominion generally hailed with satisfaction this temporary settlement of a very vexed question, and they cherish the hope of removing forever, from our relations with our neighbors, a great cause of irritation. If some regret might be expressed in regard to the framing of the Fisheries clauses of the Treaty, we have every reason to be proud of our representatives in the Halifax Commission, both our Commissioner and our Counsel. The ability, discretion, and high-mindedness displayed in the prosecution of our interests will, every one hopes, be recognized by the country and the Government in a handsome manner, in a

way commensurate with the importance of the services rendered.

I hope, I may say I do not doubt, that the United States will accept and act upon the award, and, following the noble example of Great Britain after the Geneva arbitration, will pay promptly and without dispute. It behoves a great nation like the American people, to accept loyally the arbitration and maintain high and untarnished the national honor.

I am sure this Honorable House must feel satisfied, as truly as I do, at the highly gratifying success that has crowned the course pursued by the Government of Canada, in undertaking to bring our products and manufactures into a prominent position before our sister Australian Colony of New South Wales. The exhibition was intercolonial, but almost assumed an international character; and I may say that Canada occupied a foremost position in her exhibit of products and manufacturing industries, which attracted the surprise and admiration of the Australian Commissioners.

The manufacturers of Canada have shown a great deal of enterprise in seeking in Australia a market for their goods, and their manufacturing ability has most favorably impressed the Victorian commissioners, and I am glad to hear that they have received already fair orders in consequence of the fine display made by them.

We French Canadians of Lower Canada, still living in the land settled by France, cannot be indifferent to the action of the Government in taking rank with other nations at the next great international exhibition at Paris. There we shall show to the world that under the British flag we have both kept the traditions of our ancestors, and followed the path of progress taught to us by that spirit of enterprise and great energy which distinguish so highly the English people. Canada will, at Paris, at Philadelphia and Sidney, have good right to be proud of the progress accomplished in all and everything that may concern and help the prosperity, glory and strength of a nation.

The Government will be congratulated for the measures they intend to pass in order to promote the settlement of the North-West territories, which are destined to be the granaries of British North America, and to offer a home, in the fu-

ture days, to millions of people. When the territories of this continent, more advantageously situated as to climate and geographical position, will be over-populated, these are the regions where the waves of emigration will flow, and change the wild lands into populous and thriving villages and cities. The commercial and financial depression, which has so long hung like a pall over this country, is not disappearing so rapidly as was expected. The phenomena which distress all of us are the diminution in the volume of business, and the shrinkage in values. The first is the cause of over trading, and the second is the result of that period of inflation, extravagance and recklessness which followed the American war, affecting greatly this country, so intimately connected by trade relations with the United States. No great financial disaster can befall a commercial country without affecting every commercial nation on the face of the globe, and it is no wonder then that our Dominion felt the blow both in its depressed trade and prostrated industries. When we shall have ceased to import beyond the legitimate wants of the country, we shall cease to over-credit, which is the harmful and necessary sequence to our over importation and over production.

Business men are anxiously looking for a revival of trade, and some confidently expect it as the necessary result of the abundant harvest with which Providence has blessed our country, but, this alone will not restore the prosperity of years past. The late good harvest will no doubt help us greatly and do much to mitigate the severity of the crisis, but so long as the very large and important element in the industries of this country, the lumber trade, remains in the depressed condition in which it is now and has been for some time, we may be assured that the improvement will be slow. And, as there may yet be a considerable time before prosperity is restored, we should set aside extravagance and economize to recover our lost strength. The whole people must exercise frugality and check expenditure.

The Government of the day had and has no control over those facts, and could not in any way avert or mitigate the calamity. The remedy is in our hands, and we can be our own doctors. Let the commercial community import less, credit

*Hon. Mr. Thibeaudeau.*

less, and spend less, and you will see prosperity and happiness once more shine upon our beloved country.

Hon. Mr. LEWIN—In rising to second the address which has been moved by the honorable senator from Montreal, I will only occupy the time of the House for a few moments. I observe that His Excellency, in his Speech, states that during his term of office he has visited every part of the Dominion of Canada. This is a matter of great benefit to this Dominion. I think it is greatly to our advantage that a nobleman of His Excellency's high, cultivated intellect, should have seen for himself our vast resources, and made himself personally acquainted with the great mass of the people who inhabit this Dominion. At some future day, no doubt, his judgment on Canadian matters may be of very great importance to us. I am sure it will always be given justly, and at the same time with kindness, and with partiality towards us. The next subject in the Speech has reference to the arbitration at Halifax, on the Fishery Commission. I must say that before that Commission sat it always appeared to my mind a very difficult and complex thing to reduce to a money value the balance of the advantages which pertained to the Americans under the Washington Treaty. I cannot help speaking of the great ability, research and zeal exercised by the persons employed by the Dominion in that matter. Whether I refer to the Minister of Marine and Fisheries, or the officers of the Fisheries Department or the learned Counsel employed, they all displayed a research and patriotism which, I think, demand the highest praise of this House; and I cannot help thinking that Her Majesty's Government are to be congratulated upon the choice they made in their agents and servants to carry out that Commission, as one of the characteristics of a wise Government is certainly to make a good selection of their officers and servants. I know many persons think that the award was not equal to our claims, but it is a matter of secondary importance whether we obtain a million of dollars, more or less. The great point, I think, was to settle an irritating question between our neighbors and ourselves, and I trust the day may be far distant when any other question may arise to mar the harmonious relations which exist be-

tween our great neighbors and this Dominion. I see a reference in the Speech to the Exhibition at Sydney last year, and to the coming Exhibition at Paris. I believe that the country, indirectly, benefitted very largely from these exhibitions, and, judging from personal observations of the one made by our people at the Centennial, Philadelphia, they need not be ashamed in any respect to compete with any other nation in the world. I am satisfied that the benefits derived from these exhibitions will amply repay the expense which has been incurred. I now come to the paragraph which refers to the disastrous fire in St. John—a fire which, comparatively speaking, was the most ruinous ever witnessed on this continent. The fire broke out at two o'clock in the afternoon, and by five o'clock there were two hundred acres of burning city, including the whole business part. Buildings as substantial as these Houses of Parliament in which we are now sitting, melted before the fire. There were burnt, I think, thirteen churches, and out of five banks four were destroyed. The City Hall, the Government Buildings, Post Office, Savings Bank, Custom House, and Receiver-General's Office, were all utterly destroyed; and from the best estimate that has been made, there were from twelve to fifteen thousand people left homeless and houseless. I have no doubt the grant which was sent by the Dominion Government will be unanimously voted by the House, and I feel thankful for the promptitude with which it was sent. There is a further reference in the Speech to the treaties made with the Indians in the North-West. There is no doubt that Canada has to a great extent—more than probably any other country,—succeeded in treating with the Indian tribes and races. They have treated them with a degree of justice, moderation, and good faith, which has commanded their respect. It appears that the same course of procedure which commands the respect of civilized nations, will also command the respect of uncivilized tribes. With regard to our distinguished visitor, Sitting Bull, I hope he will soon return to the United States pastures. Attention is called here to various measures, to which, until they are brought before the House,

*Hon. Mr. Lewin.*

it will be unnecessary to refer. But one is announced for the better securing of the Independence of Parliament—a most desirable measure, which the present law seems to take an extreme view of. It is a matter of congratulation, as His Excellency states at the beginning, that no special occasion has arisen for calling Parliament together. I very much regret to say that prosperity has not returned to this country. Divine Providence has blessed the West, and indeed the whole of our Dominion, with an abundant harvest, but there are many interests still suffering from depression, especially the great lumber trade, to which the mover of the address has referred, and he might also have added the shipping interest, which is also greatly depressed. Still, there is a small increase in the revenue of the past year over that of the preceding twelve months, and I earnestly trust it may indicate a return to more prosperous times. I beg to second the address.

Hon. Mr. CAMPBELL—I do not propose to offer any opposition to the passage of these resolutions. I desire to offer my congratulations to the House on the accession of the hon. gentleman who moved the address; and speaking for myself, I am particularly happy that the selection which has resulted in his appearance amongst us has fallen upon a French Canadian. I think it would have been much to be regretted if a French Canadian had not been chosen. In the part of the country where I live, it was rumored at one time, that another selection was intended. I think it would have been a source of regret if any diminution had taken place in this House in the numbers of French Canadians, who are even now too few. I agree in very much that has fallen from the mover and seconder of the Address. There are, of course, points on which we diverge, but I quite agree with very much that has been said by both hon. gentlemen. I particularly concur in what has been said with regard to the visit of His Excellency and the Countess of Dufferin to Manitoba. It was my good fortune to be in that part of the country at the time that their Excellencies' visit was paid, and it seemed to me there was a remarkable earnestness of feeling in the welcome which they received there. There are a great many

paragraphs in the Address relating to the North-West—five or six. In some of those I also concur. I agree in the sound policy pursued with reference to the Indians. It was, I think, a wise course to pursue—to secure a treaty with the Indians east of the Rocky Mountains. Undoubtedly the treaties will involve a large expenditure for land which will not be settled for years to come, and no doubt for a long time hundreds of thousands of dollars will figure in our estimates for the territory acquired by these treaties; but that will be a less onerous burden than might have followed any other course. Any other policy might have produced misconstruction and ill-feeling, and possibly feuds with the various tribes whose lands had not been negotiated for. Of course, when the several tribes west of Manitoba, with whom treaties had been made, received their presents and gratifications, it would have excited in those with whom no treaty had been made great irritation, and I think it was prudent, even at the large expense which this will involve to extinguish the Indian title to all the lands east to the Rocky Mountains. It is, undoubtedly true, as stated by the hon. gentleman from St. John, that Great Britain has succeeded in dealing with the Indians in a more peaceful and useful way to them and to us than any other country. I think they owe that very much to the sway which was for so many years held in the North-West by the Hudson Bay Company. It was in their footsteps that the Crown followed in the treatment of the Indians in that part of the country. The treatment which the Aborigines received in this part of Canada was equally fair, and is to be attributed to the honorable dispositions of the officers of the Crown at the time the English people came to this part of the country, and the course pursued by their successors since. At the same time, I do not think we can claim for ourselves all the merit which the hon. gentleman from St. John is desirous of doing. I believe our neighbors have greater difficulties in dealing with their Indian tribes than we have. We have much larger unoccupied territories, and settlement is not proceeding so rapidly in this country as in the United States. I think in congratulating ourselves (and we may fairly do so) on the manner in

*Hon. Mr. Campbell.*

which we are dealing with the Indians, we must remember that the United States have other and greater difficulties to contend with than we have. I pass over the paragraphs relating to Sitting Bull, and would direct attention to that which speaks of the completion of the Pacific Railway survey, the opening up of communication with the North-West, and the enactment of a Homestead and other laws there. I hope that the communication with the North-West is being opened up, and that this is a sound reason why we should pass such bills as are proposed; but I confess that the course which is being pursued by the Government with reference to the opening up of communication with the North-West Territories is to me a mystery. There were two means of access to be opened up, one was by way of Pembina through the United States, and the other from Thunder Bay to Red River, through our own country. By neither of these routes does it seem to me that the Government is making exertions which promise any immediate result. It is true that large contracts are going on upon the second route to which I have referred, between Fort William and Winnipeg, and we may, perhaps, receive, during the session, from the hon. gentleman, the Secretary of State, full information upon that point, and also when it is expected that through communication will be possible by means of that route. With reference to the other route, delays have occurred, which seem to me to certainly demand explanation—I was going to say which seem inexplicable,—but certainly they demand explanation. There is a distance of sixty miles between Winnipeg and the frontier, over which the rails might have been laid three or four years ago. The rails are there and ready to be used. The excuse given has been that there was no railway to the south of it with which it could connect. That, indeed, is a very serious drawback; still, the laying of the rails, which are there, on the surface of the track, which is ready for them, would have given to the people of Manitoba sixty additional miles of rail, which would have saved them a very large sum in transportation during the last three or four years. I am glad to see my hon. friend from Manitoba here, and I speak in his presence, and subject to correction, when I say that had those rails

been laid three or four years ago, a very large sum, indeed, would have been saved to the people of the North-West in transportation, and particularly in view of the heavy charges which were made by the Steamboat Company which does business on the waters of the Red River. It is a mystery to me why the one route, of which I have spoken, has not been opened up earlier, and how the second route is to be used at all for many years to come. I trust that we shall have information on these points. I can unite thoroughly in that part of the Speech from the Throne referred to in these resolutions, which relates to the Fisheries award. I do not think we have derived, under the arbitration, that amount of compensation to which the evidence entitled us. I think the accumulation of evidence was very great in our favor, and our case was very thoroughly submitted, but I do not think we can congratulate ourselves upon the measure of justice which has been done to us, and the award which yet remains to be paid. I can express myself in the language of this paragraph, that the amount is much less than that claimed, and to which the people of this country are entitled, but as it has been the result of mutual reference, we are ready loyally to submit to it. I do not know about the return of prosperity that is mentioned. I agree with both of my hon. friends who have spoken, neither of whom can see in the bountiful harvest which it pleased Providence to bless parts of this Dominion with, any evidence of a return of that prosperity which we enjoyed some years ago. Other causes besides those referred to—European causes to which my hon. friend from Sunbury alluded some years ago—still affect this country, and it must be from some other and stronger sources of prosperity, than the mere results of a harvest in one portion of the Dominion that we must look for a return of prosperity. I do not concur in the language used by the hon. member who moved the Address, in which he says that the Government could not have done anything to avert the depression. I think the Government and Legislature could have done much, and could now do much, not to avert this commercial depression, but to alleviate the depression in manufacturing, which makes the commercial depression the greater. I believe it is the conviction

*Hon. Mr. Campbell.*

of a great many members who now hear me, that a great deal could have been done, and it would have been a matter of great gratification to the majority of this House and the country, if there had been a paragraph in the Speech from the Throne showing that an effort was to be made to alleviate the depression which has so long afflicted the Dominion. There seems to be in this Speech from the Throne some sort of display of sympathy. It is certainly very cold, and hardly to be called an expression of sympathy, but in previous Speeches from the Throne in this Chamber, there was no expression of sympathy of any kind. Even now it is only an allusion. It does seem that the Government have no sympathy with the unfortunate state of depression which exists all over the country. They express none. When deputations are sent to them they receive curt answers, and when the Speech is made from the Throne the language is of the coldest character, and offers no promise and no hope of any effort being made to ameliorate the condition of the country. I could not but smile at the allusion which my hon. friend from St. John made to the measure to secure the Independence of Parliament. I venture to ask, if it is not too late? And whether the course pursued by the Government in another place which we are not now allowed to mention in this Chamber, has not been to so honeycomb the independence of that body that it is now too late, in the last Session of this Parliament, to pass a measure to secure its independence. The paragraph which proposes to put in some uniform and complete shape the laws relating to the traffic in intoxicating liquors will meet with the sympathy of the House, and especially my hon. friend from Sarnia, who has so long taken an interest in this question. I hope the measure will be such an one as will recommend itself to the favorable consideration of this House, and that we shall be able to enact a law which will at all events open the way to my hon. friend from Sarnia, and others interested with him, to such measures as are likely to result in the depression (to use one of the words of the Speech), in the traffic in liquor. I do not propose to move any amendment to the Speech, and I am happy to coincide with some parts of it. I wish there was any evidence that the

Government were going to do anything to seek to relieve the depression from which the country suffers, or that we were, during this Session to do anything which would result to the advantage of the country, but there seems to be no prospect of usefulness. We are told there is nothing to call us together except the ordinary business of the country, and we are not promised any measures likely to belie this somewhat bald announcement of the reasons for summoning us together.

Hon. Mr. SCOTT.—I am sure every gentleman who listened to the hon. the leader of the Opposition, concurs in the sentiments he expressed towards the new member who moved the Address. I think the evidence he gave in moving it, proves that the House has received a great accession in his presence here. He is a gentleman largely conversant with the business of the country, and is in every way competent to express his views. I am happy to hear my hon. friend congratulating the Government on the selection they made of the Senator from Montreal. The hon. gentleman has not indulged in any strong criticism of the Speech from the Throne on this occasion. He concurs, and I have no doubt, this House and the country will concur in the greater part of the Speech. He takes exception in the first place, however, to the reference made to the new avenues that are now being opened up to the North-West. He speaks of two routes, one from Lake Superior, and the other through the United States, with one of which he thinks we might have used greater dispatch. Of course the route from Lake Superior to Selkirk is being pushed forward as fast as the finances of the country will permit, and very considerable progress has been made on the other, between Winnipeg and Pembina. He thinks the rails should have been laid in order to facilitate trade going into Manitoba. I beg to differ from him. It would have afforded the Government great gratification, if they could see by going on with that branch that they could have facilitated the settlement, or lessened the freight or transportation into Manitoba and the North-West. My hon. friend is aware also that there is no railway communication up to the boundary past two or three years, have had repeated communications with parties who are in-

*Hon. Mr. Campbell.*

interested in the line south of the boundary, and forming a junction between the Northern Pacific Railway and the Pembina Branch, but owing to difficulties, which we need not now discuss, it was impossible to have that hiatus filled. I believe I am safe in saying that by August next not only will the gap between Pembina and Winnipeg be filled, but an all-rail route will be opened up. The laying down of rails between Winnipeg and Pembina would have been of no advantage, inasmuch as the River Company would have controlled the traffic. It is quite obvious that the company in possession of the upper end of the river would have control of the fifty or sixty miles north of the line, and, therefore, no advantage would have been secured by the construction of that portion. However, I am happy to inform the House that we have information which is reliable that this gap will be constructed, and before the month of August next, the all-rail route will be secured to Winnipeg. My hon. friend, who has always taken a broad view of the Indian question, concurs with the Government in the mode of settling Indian claims. It was impossible, after commencing to settle with the Indians west of Manitoba, not to continue the arrangement with them up to the Rocky Mountains. It was impossible, even in the construction of the telegraph line, to obtain the right of way without promising to make treaties with them. It was impossible to go in there with any hope of peaceable settlement without dealing with them in the same way as with the Indians in the eastern part of the country. The policy, not only of this Government, but of preceding ones, has been one of great liberality in dealing with the Indians, and we know that the cost of securing territory from them in that way has been much less than the less merciful policy of the United States. I do not agree with my hon. friend that the cause of the failure of the United States to secure peaceable possession of the Indian lands is that they have a smaller unoccupied territory. I attribute it rather to their inability to prevent white men from trespassing on the Indian reserves. The difficulties with the Sioux are due to the attraction which the gold in the Black Hills has offered to the whites, and wherever such attractions have existed, it

has always been found impossible to prevent the whites from encroaching upon the reserves ; and from their difficulties with the Indians have arisen national wars with the tribes. I quite expected that my hon. friend would have adverted, as he has done, to the subject of the prevailing depression, but I think the country, if not the House, will concur in the views expressed by the hon. gentleman who moved the Address, that the depression is really owing to causes over which the Government has little or no control. Among the causes that he mentioned as leading ones, were the stagnation in the lumber trade, and the inability of other nations to buy our products. Another was, as he rightly described it, the extravagance which prevailed in former years of inflation, and the tendency of our people to buy more than they were really justified in purchasing, merchants importing larger stocks than people were willing to buy, and forcing them off on long credits, and inflating trade in an unwarrantable degree. Some hon. gentlemen would lead the House to believe that the Government, by some legislative action, could have stimulated the trade of the country and increased our wealth. I fail to see how any legislation could have given vitality to any special trade without injury to other interests ; and if we went into any species of legislation by which every trade would be subsidized by the Government, what would be the result? We would make Canada a much more expensive place to live in than at present. Certainly, a period of depression is no time to try experiments in our fiscal policy. We see that the United States is suffering more than Canada. I do not hesitate to say that if the figures and facts were gone into that it could be satisfactorily proved. From my reading of that question during the past year or two, I have come to the conclusion, that the suffering is much greater in the over-protected United States than in Canada—that there is a far greater number of persons, according to population, out of employment there than here. As I said on a former occasion in this Chamber, if there had been many factories here, there would have been a larger number of operatives thrown out of employment at a time when they could find no other work. Take, for instance, the boot and shoe industry, which has been very successful in this country. I think the amount of

capital invested in that industry is \$15,000,000, and yet, though the importations of boots and shoes have been very small, not over \$300,000 per annum, there have been failures in that trade, and why? Because the purchasing power of the community was exhausted ; because they chose to manufacture more than the people could consume. That would have been the result in every other trade. If other countries were willing to purchase our goods, there would then be some reason for stimulating trade of that sort, but we know very well the nation with which we have the largest trade, the United States, has built a wall around itself, and will buy from us nothing that they can get at home. The hon. gentleman has made some slight allusion to the act which has more particular reference to another Chamber, and he thinks that we ought to have prepared legislation of that kind before. I might say the same of the Government of which the hon. gentleman was a member. If he will look back into the history of the last eight or ten years, he will find that gentlemen who supported his Administration, and some who were in it, were in the habit of violating the Independence of Parliament Act, as frequently, if not oftener, than the friends of this Government. It has grown up in this country, and for years has been utterly ignored. It is necessary in the future that the independence of the representatives of the people shall be secured as far as legislation will permit it.

Hon. Mr. ALEXANDER—I do not propose to discuss any of the subjects or questions referred to in the Speech from the Throne, not any one of which can be said to be of very great significance. That Speech, which is certainly one of unusual length, cannot but be disappointing to the country ; for there is not one word in it to indicate that the Government realize to themselves the serious, and grave position, into which the trade, and industries, of the country have been drifting. No reference is made to the wide-spread anxieties, which are at this moment felt and expressed in every trade centre of the Dominion. The Speech would almost breathe the impress that what our rulers chiefly care about, is that they should be enabled, by the Revenue, or borrowing powers, to meet our public obligations. Is there no responsibility resting upon the

Government and Legislature, to foster and strengthen by skilful and able administration all the great and varied interests of this Commonwealth? If we search all the utterances of the leaders of the party now in power, how can we put any other interpretation, than that they are of opinion that they can do nothing to improve our present condition? Are we, as the people's representatives, to look on with passive indifference, upon the vast and endless number of enterprising men, oppressed with anxieties and impending disaster, before them?—and upon our banking institutions, whose standing may in general be regarded as a faithful index of the state of trade, sinking, gradually, under the general depression and wide spread insolvency? While nine out of ten men to whom you speak, wherever you go, solemnly and anxiously assure you that they are not holding their own,—that they are losing ground, and express despondency in regard to the future, the Government of the day have the temerity to declare in the speech from the Throne, "That they are glad to be able to say, that nothing beyond the ordinary business of the country requires our attendance." Is the Senate of the Dominion prepared to declare this to be fitting and seemly language, considering the circumstances under which Parliament is at this time convened? Is this the spirit and policy of public administration, which a people, so remarkable for their industry and enterprise, have a right to expect from their representatives, and rulers? I wish to God that I possessed the health and strength, and power, to unfold upon the floor of this chamber all the means by which we could hope to restore to this country the prosperity which prevailed during the first five years of Confederation. Grave mistakes have been made in the past, by the Government and by the Municipalities in loading the whole country with debt, not unfrequently for enterprises which never should have been undertaken. The public debt of England is a source of strength and not of weakness, because chiefly owing to their own citizens, and the wealth is retained in the country. The annual interest of our public obligations, which is very large for so young a country, goes to foreign creditors, while the taxation in all our

*Hon. Mr. Alexander.*

cities has become oppressively burdensome to all classes. I do not purpose upon this occasion to particularize the numerous instances of wasteful expenditure by the present Government, which, I am sure, have been sufficiently dwelt upon, by a portion of the Press. No matter what Governments profess, they seem to be carried away by the pressure and influence of their supporters and friends, to enter upon expenditures which no man can approve. The public debt has thus been unduly increased, while the commerce of the country and the taxpaying power have not increased in the same ratio. I am of the number who hold that the stagnation or depression, which we now experience, might have been greatly alleviated by a more statesmanlike policy upon the part of our Government. I cannot understand any enlightened man at the present day applying abstract theories of political science to a country of only four millions, lying alongside the great Republic with its forty millions, maintaining an extreme Protective Policy, which amounts to almost entire exclusion of everything which we manufacture. What justice or reciprocity is there in that? I freely confess that I am of the number who think that we should hold our own markets for our Canadian people, and that we need not be afraid, but that the competition amongst our own manufacturers in every branch of trade will be such as to bring down prices to the consumer. With such means of education and training, and so much enterprise as our citizens possess, we need be afraid of no monopolies enduring for any period. If we desire to see the Dominion hold its own and prosper, we must bring to the front our ablest public men, whatever party they may belong to. The interests of the country must stand above the interests of party. We want the blessing of a more frugal and able administration of our affairs. We must have a more judicious expenditure of the public moneys. We must endeavour to throw in a large additional population into Manitoba, by securing to them at the earliest moment, railway connection with the markets of the world. We ought to make the lands in the Northwest tributary to the carrying out of that object, upon the principle adopted by the Western States—that we ought to be

influenced and guided by more patriotic views and principles, to sustain and protect every Canadian institution and interest. Our astute neighbors, the Americans, are gradually picking up our foreign and domestic trade. Their insurance companies are carrying off a large amount of money annually from the country. Their manufacturers, if not met with corresponding astuteness, by our placing in power our ablest public men, will gradually shut up a large number of our workshops and throw out of employment a large population. Then again, have we always been guided by a proper spirit of patriotism, in upholding our own great Canadian railways to which we owe the great and rapid development of our country? Have we invariably shown that consideration to those English capitalists who put so many millions sterling into those railways, no doubt as an investment of money, but from which we have received all the benefit, while they have been receiving no dividends upon such a large amount of share capital. Those two great Trunk lines, as the other railways, have necessarily been worked on ordinary railway business principles. If we are to have railways properly steeled and appointed in all their plant and stock, so as not to endanger human life, and serve all the interest of trade, we must admit that they ought to earn their way fairly. No one in this Dominion can with truth allege that excessive railway fares or freights have ever been charged, but because from competition, those roads have been driven to carry from certain competing points at under-rates and ruinous rates, they should therefore carry from all points at such rates, simply means the whole of such roads being very soon brought to bankruptcy and ruin. The interests of trade would not longer be served, and life would no longer be safe. From this desire to drive our railways to carry at rates which can never sustain any road, have we not launched our municipalities in overwhelming debt, involving taxation which is oppressive to all classes at this moment? If the public, by such means, obtain a temporary advantage, it can only be for a short time, because roads to be properly equipped and sustained, must earn their way. Then again, we are going to be asked, this session, to grant legislation to hand over a leading through Trunk Line to the New York Central,

*Hon. Mr. Alexander.*

which, if obtained, will strike a ruinous blow at our own Canadian railways, and tend to bring them to the ground. Should we not feel a deep interest in sustaining, by every means in our power, our own first-class roads, as an essential element to our prosperity? Let us behold how our neighbors in the great Republic strengthen and build up every great national interest. We, in our Canadian Legislature, appear to be wanting in that broad patriotism. We have a class of politicians who employ themselves in schooling the people to demand some delusive, small advantage and gain at the sacrifice of the general well-being and prosperity. If we are desirous to secure the great onward progress of this country, we must make it our study to protect and sustain all those great interests and be prepared to sacrifice all small selfish considerations.

Hon. Mr. WILMOT.—I wish to touch on two or three points in the Address merely, and will not long occupy the attention of the House. We all concur in the opinion that His Excellency the Governor-General has made himself thoroughly acquainted with every province in the Dominion. And it will be a matter of so great importance to our future, that the knowledge that he has thus acquired of our people and resources, can be made available in the Parliament of Great Britain, when subjects connected with the interests of Canada come up for discussion, that every one will heartily join in that portion of the Address. With regard to the Arbitration on the Fisheries I entirely think no man could be found in this Dominion superior to Sir A. T. Galt, in conducting it. I have had an opportunity of knowing and thoroughly estimating his statesmanlike qualities upon the Confederation delegation, and I regret now, as I have before regretted, that his great services, his valuable abilities, are not within the walls of Parliament. The Speech refers to the great calamity that has occurred in the City of St. John, and I am sure I express the feelings of every inhabitant of the City and of the Province of New Brunswick, in saying that the warm sympathy evinced and large contributions given not only from every portion of the Dominion, but from our neighbors in the United States and from Great Britain, to assist

thousands who were suddenly burned out of house and home, many of them without more than the clothes which they had on their backs at the time, is a matter of deep gratitude. St. John is another extraordinary instance of what well directed labor can accomplish. The fire occurred on the 20th of June last, and now, I am informed, there are some 900 buildings—many of them very large and expensive—erected in various portions of the city.

Hon. Mr. CAMPBELL.—How many were destroyed?

Hon. Mr. WILMOT.—I cannot give you the exact number destroyed, but it was nearly three hundred acres thickly covered with buildings.

Hon. Mr. LEWIN.—About three thousand houses.

Hon. Mr. WILMOT.—The estimate was that the loss amounted to between twenty-seven and thirty millions of dollars, on which there was about seven millions of insurance. You can imagine the destruction when, what took ninety years to build up was swept away in three hours by the hurricane of flame, which passed over the devoted city. There is one portion of the Address which has been referred to by the leader of the Opposition, the mover and the hon. Secretary of State, relating to the continued commercial depression. I must say on this point, I cannot concur in the views expressed by my hon. friend, the Secretary of State. My opinions are pretty well known with regard to our fiscal and commercial affairs. While I believe we have to depend on Providence for everything we possess, I am not prepared to be simply a waiter on Providence. I think we ought to do something for ourselves, and I say, in this Dominion, with all our various resources, if the Parliament and Government of the country cannot devise some ways and means by which the difficulties which now surround our commercial and industrial interests can be alleviated, they do not exercise that wise statesmanship which our depressed industries have a good right to expect. Take France as an instance, and I am sure that every French Canadian gentleman on the floor of this House, must look with pride to the country from which they claim descent. We see that nation, after going through a most disastrous war, the cost of which amounted to

Hon. Mr. Wilmot.

more than one-half of the national debt of Great Britain, yet they are to-day the most prosperous country in Europe. They have to a great extent attained that prosperity by their wise commercial and fiscal legislation. When we look at the United States alongside of us, with their protective policy, and the riots and labor troubles which have occurred there, not, in my opinion, in consequence of protection, but from a determination to so restrict the circulation by withdrawing their greenbacks, which cost the country no interest, in order to come back to specie payments, and issuing debentures bearing interest, a large amount of which were sold in Europe, and taxing the people to pay interest, while the security was as good for the greenbacks as it was for the debentures. The reduction in the circulation between 1865 and 1873 was \$1,200,000,000, the circulation of all sorts being in the former year \$1,900,000,000, and in the latter \$700,000,000; the consequence was the panic of 1873, and wide-spread difficulties ever since. When we turn, to Great Britain, where the policy of so called free trade has been adopted, we find great commercial difficulties and general depression existing there also. In the last year their imports exceeded their exports £120,000,000 sterling, so that the so called free trade, which is a system of free imports, and not a free interchange of commodities on equal terms, which is the only sound system of free trade, is equally at fault with protection; but the subject that we ought to understand lies deeper than either protection or free trade; it is the character of the medium by which commodities are exchanged. I am a freetrader if the policy was carried out by being applied to gold. There the freetraders stop, and then their great panacea turns out a failure. I, last Session, stated my opinion of the cause of the great commercial depression that prevailed as being the withdrawal of £220,000,000 of specie from the various commercial centres to pay the war indemnity from France to Germany; the specie was the base of an immense amount of credit, and when the base was withdrawn the whole fabric of credit, or, rather, debt fell; but France, making the notes of the bank legal tenders, sustained her commerce and industries, increased her revenues, and she now holds one-half, as it is estimated, of all the gold and silver

coin in Europe. Therefore, the whole cause of the difficulties in the commercial world is by not understanding this most important subject of money or currency, which is the life blood of trade, and should be the equitable distributor of wealth. Inflation, as it is termed, was a necessity in the United States, consequent on their civil war, but we in Canada derived a very profitable trade from it, as everything we could produce, manufacture, or import, found, during the war, a ready market in the United States. While I entirely concur with the hon. gentleman who moved this Address, that we have been importing too much; we have been expending too much, and there has been a system of extravagance, not only among public bodies, but among individuals; yet, short expenditure is not the remedy for our difficulties. There are just two elements in the wealth of every country: the productive labor and natural resources, and we want wise legislation by which one can be applied to the other in order to create national wealth. That is the true principle, and our Dominion notes, properly secured, will furnish the medium.

Hon. Gentlemen—Hear! Hear!

Hon. Mr. WILMOT.—But my hon. friend, the Secretary of State, says the United States have built up a wall between us, and I suppose we must necessarily, therefore, take from them as much as we can, thereby displacing the labor of our own people in our own Dominion, in order to do what? In order to get our goods cheaper. Cheapness is a comparative term. It depends upon what price a man can sell for, in order to buy. Take the farmer who has sons about him, and is able to sell more than he buys. He prospers; but if, on the contrary, he lets his sons lie idle because he thinks his neighbor can supply him cheaper, he would soon find it a dear way of buying cheap. If we buy more than we sell, and have to pay out gold, which is our only money, the very basis of the circulating medium of the country—if we have to bring in fifty millions of dollars worth of goods from the United States, and sell to them only twenty-seven millions of dollars worth, the balance must be paid for, either in gold or in debt, or in bankruptcy. That is the result of it; it cannot be anything else; and I say under the circumstances, I perfectly agree

*Hon. Mr. Wilmot.*

with what Sir A. T. Galt stated in his letter some time since, that he was prepared to adopt a retaliatory policy with the United States, so that if they will not buy from us, we will not buy from them. But the great question after all is the question of money—the medium of exchange. I would not have said anything about this, but I am not prepared to take it for granted that nothing can be done to remedy the present state of things. I will not subscribe to that doctrine. I believe a great deal could have been done. My hon. friend knows I have not agreed with the fiscal policy of the Government, but at the same time, I state distinctly, if they carried out freetrade to its natural sequence, I am a freetrader. They stop, however, just where freetrade should begin, that is in gold. What astonishes me is that other nations of the world have not studied the question as they have studied it in France, and relieved themselves from the difficulty caused by the large absorption of bullion, which is the principal cause of bringing about the great commercial disturbances that still exist in the commercial world. There is one thing that we can all certainly be thankful for, that is the abundant crop that has come in to relieve us, from one end of the Dominion to the other. If we had a second short crop, God only knows what would have been the consequences, but still there are commercial difficulties, and failures are occurring in the different commercial centres of the Dominion. We want something besides good crops; we want a sound fiscal policy initiated by the Government of our country.

Hon. Mr. GIRARD.—So much has been said with reference to Manitoba and the North-West, it seems to me I should be allowed to say a word or two on the Address in reply to the Speech from the Throne. Reference has been made to the visit of His Excellency the Governor-General to Manitoba. I must tell you, hon. gentlemen, that in the Province of Manitoba we have certainly a feeling of gratitude for the honor conferred upon our province by that visit. Nothing has contributed more to the true progress of the North-West than the visit of His Excellency, and the speeches which he delivered on different occasions to the public, when called on. I was reading to-day in a Manitoba paper that these

speeches were now being printed in England, and the remarks on the subject have so merited my appreciation that I will quote them for this hon. House. The gentleman who has undertaken the task of writing these speeches, in regard to the final speech of His Excellency, says:—

“But these utterances were all surpassed by Lord Dufferin, in taking leave of Manitoba, in a speech made at a farewell banquet at Winnipeg. \* \* \* \* \*

No wonder that the Canadian pioneers who listened to these grand tones and magnificent periods were quite wild with excitement. The reports in the Canadian papers speak at almost every sentence of tremendous applause and tremendous cheering; the Canadians were listening to their own feelings with regard to the beautiful regions which they inhabit, put into language of unrivalled purity and beauty.

A romance has passed into the daily life of every one of them, they were being nerved for further effort, and encouraged in their great and glorious mission of relieving the misery and poverty of Europe by pouring into the lap of their original mother the rich abundance of the West.

Such a speech has a distinctly elevating and ennobling effect upon those who heard it, and upon those who have read it.

To the teeming millions of the Old World, looking for careers for their sons or for themselves, such a speech must operate almost with the inspiration of revelation; it opens up a new prospect, it speaks of a land almost unknown a year or two ago, but which is found, to use a metaphor of the Scriptures, to be flowing with milk and honey.

In the lonely cabin of the Irish peasant, the over-crowded cottage of the English laborer, in the mechanic's work-room, such words must enter as words of life and hope.

To the farmer struggling against high rents and unprofitable harvest; such a speech opens up quite a new vista of the future.”

I may add, hon. gentlemen, that, for my part I would like to see that fine country taken possession of not only by settlers from the Old Country, but by the sons of the inhabitants of the older provinces of the Dominion. I give my full concurrence in the expressions used by His Excellency in his appreciation of the country, and I am sure that his visit will be a great source of profit for us all, and for the Dominion in general. I see by the Speech from the Throne that a satisfactory treaty has been made with the Indians. Indeed, I think peace and order are prevailing amongst the Indians at the present time, and there is a feeling of satisfaction which should be a matter for gratification to the whole Dominion. When we see all the trouble and bloodshed caused by Indian wars in the

*Hon. Mr. Girard.*

United States, we must certainly approve of the policy which has been followed by the Canadian Government with reference to the Indians of the Dominion. A large sum of money has been expended, but it certainly cannot be compared with what has been expended for the same purpose by the United States—not only money but in the sacrifice of their best men—and even yet there is in our neighbourhood a feeling of uneasiness and far which must stop all settlement for some years to come. The Speech refers to Sitting Bull. Certainly it will be admitted that Sitting Bull is a dangerous man, and the Government cannot take too much precaution on his account. There is no doubt that a great responsibility rests with the Government in reference to Sitting Bull and his band. I think he is now on United States territory, if the information which I have received is correct. I see the hon. Secretary of State says no, but I ascertained in passing through the United States that he has gone over from our side of the line. If such is the case our responsibilities are increasing, for he will be a cause of uneasiness. Amongst our people he is feared, and it will be the duty of the Government to see that he and his band are placed on some reserve where he can be looked after with the greatest care and precaution. It is certain that the mind of that warrior is never satisfied, and though he may for a while exhibit an appearance of gratitude for the good treatment he has received from the Canadian Government, he will on the first occasion that offers, be disposed to give trouble and make the American authorities feel yet that Sitting Bull is not a dead man. The Speech foreshadows the fact that we are to have a chance of coming more into communication with the world than we are at present. It is certainly a great satisfaction for the people of Manitoba to hear this, but it seems to me, it is to be regretted, that it has taken so much time to give us this communication. The remark has been made that the Pembina Branch could have been constructed a great deal sooner, instead of leaving the rails to rust on the banks of German Creek, a small river where thousands and thousands of them are piled. It would have been better to have them laid on the track than to have allowed them to spoil without benefit to

any one. Notwithstanding the delay, if we are to have that road, it will be received with the greatest satisfaction. It is to be regretted, that the first opening of the road was not one that would give us direct communication with the outer world, but I suppose in the course of a year, we will have a road from Winnipeg to Fisher's Landing, which we have now to travel by stage. The effect of it will be—and it will very likely last for some years—that the trade, instead of coming into the bosom of the Dominion, will flow into Minnesota and other Western States. The course of trade is like the course of a stream, when once it has taken a particular direction, it is not easy to change it. The people of Manitoba will be accommodated, but the Dominion will not have any profit from the immense amount of money which has been expended, and which is to be expended, until direct communication is opened to Lake Superior. In common with the rest of the Dominion, I am proud to be able to state to this honorable House, that the Province which I have the honor to represent, has not to complain of bad crops. Last year we had good crops, but what will be the profit on them to meet our obligations? We have no outlet for our grain, and our wheat has been sold at fifty cents per bushel. We have an obligation which we have contracted with the Government. At the time when the country was starving, after the crops were destroyed by the grasshoppers, the Government came nobly to our assistance. They gave us seed wheat and provisions. Now the people are called upon to pay for these same things, which were accepted as a loan, and which they expected they would have to pay for at no distant day. But the difficulty is this: the railroad is not built, and we are obliged to give at least four bushels of wheat for each bushel we received two years ago. This is not altogether the fault of the Government, but if the money granted for railway purposes had been expended a little sooner, we would have had a chance of sending our grains to the best market. No doubt facilities will be given for reaching the North-West Territories, but I suppose they will be limited to the completion of the surveys. I don't expect, for my part, to see the road built, as I don't think it is the serious intention of the Government to extend the Pacific

Railway beyond the Red River. Immense sums of money have been expended for the surveys of a line which will be of no benefit. If the different sums, or part of them, which have been expended for those surveys had been applied to the location of some railway communication in the Province, my opinion is—and it is the opinion of the people of Manitoba—that at the present time the Province would have been run through by railways from north to south, and east to west. I see with pleasure and satisfaction, that it is the intention of the Government to terminate the difficulties in relation to the liquor traffic. I know there has been misunderstanding between the different Provinces and the Dominion Government, and it is well that we should know where the responsibility rests, with reference to the traffic in liquors. At the present time, while so much is being done in every Province to establish temperance principles, the Government cannot do too much to favor the friends of temperance in every way that they possibly can. It appears that we will not be called upon during the present Session to do anything except the ordinary work assigned to the legislature on such occasions. Sometimes I feel that there is more than one Sitting Bull in the way; certainly there are many responsibilities on every side, but I have no doubt we will find in the members who are now charged with the fate of the Dominion, the necessary wisdom to administer the public affairs of the Dominion.

Hon. Mr. VIDAL.—The occasions have been so very few and far between when I have been able to agree with the Government, in their policy, that I should be wanting in my duty if I did not express my satisfaction with that clause in the Speech which announces that it is the intention of the Government to give some attention to the liquor-traffic question. What may have led to this—whether the late decision of the Supreme Court, or whether it is that the voice of 500,000 people, petitioning for relief, has at last reached the ears of the Government, or whether it is the near approach of that day when they shall be called to give an account of their stewardship to constituencies who are interested in having this question settled, I care not; I am satisfied with the simple fact that the Government have at last recognized the fact that this

question is one of sufficient importance to merit a place in the Speech, and to demand the attention of the Legislature. I do not, however, feel that unmixed satisfaction which hon. gentlemen seem to think I should, at the announcement of the proposed legislation, because I am a little suspicious of what we are to get, and because I may not be able consistently to support the measure which may be introduced. We are promised a measure simply to secure uniform legislation throughout the Dominion. If that means that we are to be further fettered with a Dominion law sanctioning and licensing this traffic, and that its interests shall be more deeply and securely entrenched among us by our highest legislative authority, then it is a measure I shall oppose. If it is to restrain the traffic or tend to lessen its evils, I shall most likely support it, even though I may consider it defective; if the Government will take the existing law of Nova Scotia—although it is a license law, and I don't believe in licensing the traffic—still, if they give us that law, I will thankfully accept it as an improvement, and as bringing the law into uniformity with the best standard we have ever yet had in the Dominion. Whatever shape it may take, the Government will have my most cordial support and best efforts to assist them in passing a measure which will in any way tend to lessen the amount of that enormous evil which has hitherto so fettered our country. I hesitate not to say, that proper legislation on this subject will do more to promote the prosperity, happiness and true greatness of this Dominion than any measure, however important, of a fiscal nature, or even than that great enterprise, the Pacific Railway. No family, no interest, no rank or station in life is free from the baneful effects of the liquor traffic, and I shall hail with joy the smallest step in advance towards the satisfactory settlement of this most important matter.

Hon. Mr. KAULBACH.—It was not my intention to say anything to day on this subject, as I did not consider that there was sufficient matter in the Address to cause any discussion, but it has elicited several remarks from my friend the Secretary of State, and other hon. gentlemen, which I feel I cannot let pass without some comment. In the prologue (the first

*Hon. Mr. Vidal.*

paragraph) of the Address, it leads almost to nothingness; it follows with a dozen or more paragraphs in which the Government propound no policy—nothing to go before the country with or to dispose of. A Reform Government should, according to the principles of Reform, always have something to reform. Is there nothing to reform, when under the present Government, we have less money, smaller revenues, heavier taxes and a larger debt? I should think when the Government come down with a Speech from the Throne, in which they say, after four years of power, that they have nothing to reform, their principles or vocation are gone, and they have nothing left of the principles which they advocated, on which to appeal to the country. I think I have read somewhere, that the President of the Council—the late President of the Council now—said when there was nothing more for the Government to reform, or when a Reform Government could find nothing more to reform, he would not be slow to leave it. There has been a sudden change lately in the Government, a reconstruction, and we have not yet been told the reason for this reconstruction; but it must be plain that that vacancy has been caused because the Government have found themselves incapable to deal with the many interests in this country which require reform, and the President of the Council found it to be his duty, on his declared principles, to leave the Cabinet. We have the Government declaring in the first place that we are called together and have nothing to do beyond the ordinary business of the country. That we should be called together and go back to the country without anything to be considered or proposed by the Government is very strange. The hon. Premier, when in Opposition, declared that there should be reform, retrenchment and economy in the administration of public affairs; that the number of Cabinet Ministers was too large, and one would naturally suppose that on coming into power, and after being in power four years, and now going to the people, the Reform Government would at least propose a death-bed repentance—a decrease in the amount of departmental expenditure. We are promised that some measure is to be introduced here with regard to the departmental service, but I do not believe it is in that

direction. There are still thirteen Ministers in the Cabinet, and it may be that they are going to appoint deputies, or under secretaries, who will relieve them of their labors, and enable them to attend pic-nics, and party gatherings, and enjoy themselves generally throughout the country. There is little of importance in the Speech but references to the St. John fire, the ramblings of Sitting Bull, and the Paris Exhibition. These matters are all familiar to us. So far as the St. John fire is concerned, we all feel a deep personal sympathy for the sufferers, in common with every person throughout the Dominion, wherever the tale of distress and misery has gone. As to the Fishery Commission, I am sure the result is not all that was to be expected, or desired. Coming, as I do, from that part of the country where we know the full value of our fisheries, I feel that we have not received that consideration in value to which we are entitled. Still, it is to be hoped that this money, when the award is paid, will be properly expended in the interests of the Dominion, and not held out as an inducement for any future tariff or fiscal arrangements with the United States. As regards the Exhibition at Paris, I must say that I do not approve of granting money for such purposes unless the Government turn their attention to developing the manufacturing and other great industries of the country, so that they can utilize the advantages afforded by such exhibitions. As regards the Pacific Railway, we must be all anxious that the Government shall show us the best route to the Pacific slope. When this matter comes before us, I hope we will not have any more exhibitions of extravagance such as have been in the Fort Francis Lock monstrosity, and the Kaministiquia Harbor and the Goderich Harbor jobs. I hope we shall have no more such exhibitions of worse than waste of public money; and exhibition of favoritism, insincerity and incapacity on the part of Government. We are told that there will be a change in the management of the Public Accounts, so as to have a more perfect supervision of them. I hope that will be the case, so that we will not be subject, as we have been in the past, to extravagant expenditures that ought to be obviated, and that there will be a better provision against the extravagance of the

*Hon. Mr. Kaulbach.*

Ministers themselves, who also require watching. As regards the promotion of colonization railway enterprises, with land subsidies in the North-West, in districts not touched by the Pacific Railway, I agree with hon. gentlemen who have preceded me, that it will be wise for us to see that such railways are not made tributaries to the railway systems of the United States, instead of to our own Pacific Railway, which must receive our first and paramount attention. With respect to the proposed amendment to the Independence of Parliament Act, it is a subject that requires careful consideration. I opposed the whitewashing bill of last Session, and I think that this House will feel, (after the caution it expressed last year, that it was not to be a precedent after the exposure of the Government's friends illegally, year by year, taking hundreds of thousands of dollars of public money, and other events of last Session) that they will be slow to act in the manner suggested by the present Address. The Government have not been bold enough to declare publicly "to the victors belong the spoils," yet their whole conduct, openly as well as quietly and in the dark, is in accordance with the spirit of that principle. As regards the liquor question, I must say we, in Nova Scotia, have certainly the most restrictive law that can possibly be put on the Statute Book with regard to the sale of liquors. One-third of the whole voting population of any district can, simply by their silence and inaction, prevent the sale of intoxicating liquors in such district. It may possibly be too harsh and extreme for general legislation, but I believe we should have uniform legislation with regard to the sale of intoxicating drinks, but my hon. friend from Sarnia will find the Government are not sincere on the question of temperance reform. There are many matters which the Government may consider too trifling to notice, but trifles make perfection, and perfection is no trifle; and it would be better for the Government and for this country, if many things, trifling as they may appear to them, were considered. It would be no trifle to have a tariff such as is propounded by the Opposition—a tariff which appeals to the patriotism of the whole country for its support. A tariff which will bind all the provinces

more closely together, each giving to the other a generous, helping hand and starting together on the same high road to prosperity that England and the United States followed. Those countries have left their landmarks and their guides for us. History has recorded their way to union, and national prosperity and greatness. That way was not freetrade, but protection. We cannot have freetrade, because we must raise by revenue about \$26,000,000 yearly, to meet and carry on the expenses of Government. It would seem that the Government must favor direct taxation, and it will come to that if this Government should unfortunately retain power, and pursue the same policy as in the past. I do not believe the Government have a right to say, as the Secretary of State today said, that they have nothing to do with the depression in trade, that they could not prevent it, and cannot relieve it but to trust to Providence entirely, and hope by abundant crops that this depression which now prevails throughout the Dominion is to be obviated. I do not believe in that policy; I believe the Government have something more to do than to fold their arms, tax the people and increase the debt of the country, and trust to Providence to help them. I believe that this Government can by a proper fiscal policy—such a policy as Sir Alexander Galt suggests—a retaliatory policy you may call it—alleviate the depression in almost every branch of trade in the country. Let us encourage our natural industries and keep out American stocks. If the Government would look nearer home for a market than New South Wales; if they would encourage our languishing trade with the West Indies and the Brazils, making a reliable market for the fish and other products of this country, so that our ships could bring back sugar to be refined in the Dominion; they could in this manner build up an interprovincial trade that would greatly assist the several interests of the country. Until we can have a Government who feel that office is only second to the well-being, prosperity and advancement of the country, we cannot hope for the future of our Dominion. Through the Government's destruction of our sugar refinery interests, Canada has lost largely the trade of the West Indies. In fact, we of the Maritime Provinces are

*Hon. Mr. Kaulbach.*

now obliged to make of the United States a market for produce that we should send to and receive from the West Indies and Brazil direct, and from these Upper Provinces. What we want is a direct weekly line of steamers, subsidized by Government, to carry our fresh and other fish, and other products, so that not only our merchants but others interested in our products can take advantage at all times of proper seasons, and not be constantly subjected to the fluctuations of the West Indian markets. The Hon. Secretary of State has told us of the condition of the boot and shoe trade, and that the purchasing power of the country has been exhausted, and that we must not pamper one trade to the injury of others. I will answer him briefly. Why is the purchasing power exhausted? Simply because we send the money away that ought to be kept in Canada, and spent here to build up and encourage the labour of the country: because other branches of industry have failed and there is not the power to purchase. Each branch of trade is dependent upon the other; all tend to the advancement and advantage of the country, and one cannot prosper at the expense of the other, but all must prosper or suffer together. I agree with my hon. friend that the purchasing power of the country has gone. Our money has gone to build up the United States, and I say, therefore, when he takes this particular branch of trade, the shoe business, in which a large amount of money has been invested, and says it is becoming a failure, it is because the fiscal and commercial interests of the country, our natural resources, productions and labor, have not received the attention they deserved at the hands of the Government. Our tariff should be revised; we should see what branches of trade require to be stimulated; what labor should be encouraged; what are the natural and productive resources of the country, and encourage them. The poor man should not be obliged to pay twice the percentage on his tea, that the rich man has to pay. It is the same in sugar, tobacco and beer, the poor—the mechanical, the industrial classes—pay a larger percentage (at least twice the amount, on the value of the articles which they consume) than the rich man pays on his; instead of discriminating, as the Government ought to discriminate, and relieve as

far as possible the laboring classes. See in what way they can assist our industries by taxation on imports. They could, in some instances, as in the United States, put on a duty of over 50 per cent., and in others reduce it far below 17½. But instead of doing anything to relieve the people from their burthens, they fold their arms and live sumptuously from the public chest. When we find that they have, corruptly, might I say?—I will say—illegally interfered with the independence of Parliament; and hear them say we must trust to Providence to get over the depression in trade, I say the Government are not doing their duty to the people in the manner that will be acceptable to the country. The patriotism of the country must be appealed to to help itself, and other men be found to form a Government who will put their shoulders to the wheel to meet the depression.

Hon. Mr. HAYTHORNE.—I think that the House has occasion to congratulate itself upon the general tenor of this debate. Considerable light has been thrown upon the questions which have occupied the minds of thoughtful men throughout the Dominion. Several gentlemen have taken occasion to speak in very appropriate terms, in which I fully concur, of the loss which this colony will sustain by the departure of the British nobleman and his Countess, who are so soon to leave us and return to Europe. Perhaps, not the least important portion of this debate has been that which relates to the causes of the prevailing depression. It has been asserted with confidence by gentlemen on the other side of the House that the depression continues. I concur in that, but not in the views which those gentlemen have expressed upon its causes. I noticed that the leader of the Opposition was less precise as to those causes and the remedy which should be provided. Feeling, no doubt, the future responsibility which might attach to him, as leader of this House, he has wisely abstained from giving expression to his views as to the best mode of healing the depression. The gentleman who followed him, however, treated the question in a speech of great candour and ability from his point of view. I venture, however, to disagree with him. I venture to say that he takes a view of the question which is not correct. If you wish to heal the depression in any parti-

*Hon. Mr. Kaubach.*

cular interest of the country, you must first acquaint yourself thoroughly with its origin and history, and the causes of that depression. You must examine into the industry itself, and see whether it is conducted with due economy and skill, and then you will arrive at just conclusions. Very often it will appear—as in the case of many of our interests—that the causes of the depression are far beyond the control of any Government or legislature that can deal with them. I remember when I first came to this city, five or six years ago, I was told that the lumbering interest of the Ottawa Valley was in a most flourishing condition, and gave employment to twenty thousand men. I saw that those men came down to the city and spent their earnings freely in the stores, and the store-keepers received them with open arms, of course. Their labor was very productive, and soon they sent down larger quantities of lumber than the market required. Since then, the lumbering interest has been in a very depressed state. It would be wise before charging the Government with incapacity for not relieving the depression, to have investigated the matter more thoroughly. The subject is not so very difficult to enter upon, and even with my limited experience I think I could throw some light upon it. I will attempt to do so. It seems to me about the time the lumber interest was in such a flourishing condition, the people of the United States were recovering from a state of warfare. They were with their means set loose from the civil war in which they had been engaged, with their military and naval forces released—settling themselves down steadily and nobly to the business of life, and the grand resources of their country attracted from Europe something like a thousand immigrants a day. Many of those emigrants went west; they required to be housed and would need as much lumber as would build a new city every year, besides which they were large consumers of lumber in other ways. At home, also, we were large consumers of lumber. Is it now the case that a thousand emigrants per day cross the ocean to America? Is it true that there is as much lumber now required for the houses of emigrants as would build a new city every year? Everyone knows that not only has immigration into the United States dwindled to very small proportions,

but even the means of earning a living there has become so difficult to obtain that many of those immigrants return to their homes in Europe. There is one cause of the decay of the lumber trade, and so it is with many other industries. If you examine the question coolly and calmly you will find they are beyond the control of the Government. How can you say any legislation of this Government or Parliament can cause emigration to the United States to recommence, and thus increase the demand for our lumber? The thing is impossible. We must look for other markets. If we wish to re-establish our lumber trade we must look for the springing up of a demand for it elsewhere. So it is with other branches of trade, though, perhaps they are not affected in the same way. They are not depressed through the in-action of Parliament or Government, but by causes which we cannot operate upon. We know very well that during the American war a tide of prosperity flowed into the Dominion. That was because the population of the United States having diverged from the path of industry and gone into war, our industries were stimulated to supply their wants. When they resumed the path of peace once more, they manufactured for themselves, and our manufacturers who were dependent upon them, became comparatively idle. We had employed a vastly larger number of people in that business than could find a permanent living. The consequence was, competition produced low prices and finally some broke down, succumbed to the pressure of the time and low prices, and as a consequence when their stocks were thrown upon the market, the substantial men, men of capital, who could have conducted their business well, if let alone, have felt the influence of the times, and their property has also been depreciated in value. Here are causes which are obvious and cannot be disputed, and which no Government or Parliament can obviate. A good deal has been said with regard to the prosperity of France. Whence shall we look for the cause of it? I think my hon. friend who so often enlightens this House upon financial questions, will bear me out in this statement—that the loans which have on various occasions been thrown upon the French market, have been largely taken up by the peasantry of

*Hon. Mr. Haythorne.*

France. They are industrious and much given to hoarding. There are two investments in which they especially delight, one the public funds, and the other, land, and for those two objects the French peasant will labor in a manner which appears extraordinary even to our industrious colonists. I ask if the prosperity of France is not principally due to the great fertility of her soil, her rich corn lands, her vineyards, her sugar fields, her oil-seeds, clover seeds and other special products. I could refer to a celebrated missive of the first Napoleon on this subject, in which he made the statement that the prosperity of a country based on agriculture could never be broken down by any sudden commercial crisis like this. I would say, with reference to French affairs, that I have looked on during the last few months with exceeding pleasure at the results obtained in France. In speaking with some of my French friends in this country some time ago, I suggested to them that old France needed one thing—the immigration of a few French Canadian gentlemen, speaking their own language, but having experience of our system of Parliamentary Government. That necessity has ceased, however. I see by the papers that Frenchmen have acted in a manner so constitutional and patriotic, and so praiseworthy, that they have little need of examples from other countries. Some observations were made as to the necessity of economy on the part of the Government, and some reflections, I might almost say, with regard to the expenditure incurred in establishing a Government in the "Great Lone Land," yet I would say to the hon. gentleman who alluded to that subject more particularly, and contended that an effort should first be made to settle the lands, that the very first step, preliminary to settling a new country, is to establish a fixed and reliable Government there. Besides that everyday necessity, which every one must feel, inhabiting a country where recognized authority exists, there is this also to be said in favor of establishing a Government in the Lone Land, that for a considerable time past, heavy responsibility I am confident, attached to the Government in that regard, because there was a sort of persistent, chronic warfare between the Indians and the United States military forces, and we all know very well that

the United States troops were far from victorious there latterly, though the noble Savage, to whom reference has been made, was obliged in the end to retire to our side of the line. If there had been no Government in the North-West, our territory might have been made a base of operations against the United States. Was that a sort of thing to be permitted in a civilized country? I think not. I think it was the duty of this Administration to establish a fixed Government in the North-West, and I cannot blame them for any expenditure that was necessary in that behalf. With regard to the possibility of operating by local enactments upon the commercial depression, I would just recall to the memory of hon. gentlemen in this House, the dictum of a high authority in the United States, which I have quoted on a former occasion, and am now obliged to give from memory. Mr. Wells, in one of those addresses which, in his official capacity he used to send to Congress every year, on one occasion congratulated Congress upon the universal prosperity which prevailed throughout the length and breadth of that vast country. He said, I think, throughout its vast extent, not a single soul need lack employment, food and clothing, but everyone had employment at profitable wages, but he said that prosperity was due to the great capabilities of the country and the energies of its people and not to legislation. I think that the opinion of a gentleman of his experience on such an occasion as that—he would hardly hazard an expression which he would not be prepared to defend, or his friends for him—is worthy of respect, yet we are told here that all we require to heal our depression is legislation. In the Province I come from, the people were blessed last year with an average harvest. The prospects at one time were so good that I think our merchants perhaps imported more largely than they would have done under other circumstances, in the expectation not only of a large harvest being reaped, but of markets being equally good. Now, observe the failure which occurred. The harvest is good but the markets are bad. How can the Government help that? Our products sold at prices which were so unremunerative that the farmers found themselves in the fall with a comparatively small sum to ex-

*Hon Mr. Haythorne.*

pend in the stores, and the result was a large amount of goods remained on hand which will probably ultimately be disposed of without profit. Could any Government obviate that? I think not. Oats in Prince Edward Island only realized one cent per pound, and potatoes only 20 to 25 cents per bushel. The very finest of pork which could be raised could hardly be sold, even at six cents per pound. Now that leaves a very small margin for the farmer to go to a store and supply his wants. I should rather seek to find a remedy for this depression in the enlargement of our markets, and economy in sending our goods there. Produce should be forwarded to the best markets at the cheapest rates. We know a great deal has been effected by sending produce from Canada to England, and Europe, and a great deal more can be done in the same direction. I am confident in our own Province much can be yet effected in that way, and I think it is the duty of those who can do anything in this direction to do it. One hon. gentleman speaks of a retaliatory policy. Well, really, I cannot sympathise with that. I think a retaliatory policy is one which is the most difficult to defend of any I have heard advocated. It seems to me a most unstatesmanlike proceeding to say, simply because a country refuses to receive your goods on your terms, therefore you debar yourself and fellow-countrymen from buying articles they want at the cheapest rate. I would say, certainly, that a retaliatory policy would not get rid of this prevailing depression. We should rather encourage our population to enter upon industries for which our country is admirably suited by nature and position. A country like Canada, with such a wide area of fertile land should employ a large number of its population in agriculture and home industries. Have we not intelligence sufficient to develop new industries? Are there not new systems at work in Europe of which we have not yet availed ourselves? I only need to refer to the sugar industries in Europe, and the prosperity which has attended countries which have developed them. All these things have more to do with the prosperity of a country than the causes assigned by some gentlemen here this evening. There is a clause in the Speech which refers to the liquor traffic. I sym-

pathize with that most heartily. I long to see the day when any legislative enactment can find a place on our statute book, which will have the effect of diminishing the intemperance which unhappily prevails in our land, but I hope that whatever measure is brought forward by the Government will be of a practical character, one not suitable only to a few people on the platform, but one which can be carried into effect throughout the country.

Hon. Mr. AIKINS.—I have listened very attentively to the speech made by the hon. member from Prince Edward Island, and I feel if he had been consulted in the framing of one paragraph of this Address, it would not have appeared in the form in which it does. I would call attention to it:—

“We accept with thankfulness Your Excellency's congratulations on the abundant harvest reaped in all quarters of the Dominion; and we rejoice with Your Excellency, that under this and other influences there has been some improvement in the Revenue returns, thus indicating, we also trust, that the commercial depression that has so long afflicted Canada, in common with other countries, is passing away.”

Now, the hon. gentleman tells us—and which, I believe, is a fact—in consequence of the abundant harvest which has been reaped, those engaged in commerce have imported more than they otherwise would—in fact, have been speculating on the returns of this harvest, but the Government have come to the conclusion because the revenue has increased the depression is passing away. If ministers would only give us their experience, gained during the recess while attending the political pic-nics, and coming in contact with thousands of people, I feel satisfied a conclusion somewhat different from what they put here must be arrived at. The Secretary of State's position is this, as far as the Government were concerned, they were not able to do anything to prevent the depression, and cannot do anything to relieve it now. That statement will go to the country with all the importance which it is clothed with, coming from a member of the Government. I, as a member of this House, cannot coincide with this view. I demur to it. My conviction is that a great deal of this depression in manufacturing circles is due to the illegitimate competition from surplus American stock coming here. Will any one

*Hon. Mr. Haythorne.*

tell me if our tariff had been so arranged that we had collected higher duties from those stocks, they would have come in such quantities? No one that knows anything of the business of this country would attempt to hazard a statement of that kind, and yet that has been, and is the state of things our manufacturers have to contend against. What I regret in this Speech is, that notwithstanding the depression which prevails in the manufacturing and lumbering interest, not a word of sympathy is expressed for those who have invested their all in those trades. A word of sympathy would not have cost much, but it is not given. I am rather inclined to think, that if the Government have come to the conclusion not to afford increased protection to the industries of the Dominion during the present Session, the country certainly will require others besides those who are now in power to deal with this question. There is one paragraph to which I would particularly refer—that is, the opening up of the North-West. No one has felt more interested in the opening up of that country than I have, I have been there and looked upon those fertile lands which, undeveloped as they are, are valueless, but developed are mines of wealth. This year the people of Manitoba have a surplus of about half a million of bushels of grain. What are they to do with it? They cannot get it out to market. As the hon. Senator from Manitoba says, wheat can be obtained there for fifty cents per bushel. A railway might have been built into that country from the head waters of Lake Superior during the time the present Government has been in power, yet we find that but a feeble effort has been put forth to build it in patches. But they tell us in a short time connection will be made with the American lines, and the surplus wheat can then be got to market. If so, who is to do the carrying trade? So far as the Red River is concerned, we have not a boat on it. The Americans would not let us run a vessel past the boundary line. That trade will go to St. Paul, and, as has been remarked here to-day, when trade takes a certain course, it is difficult to change it. Colonization roads are spoken of. I suppose companies will be incorporated to build them, and aided by grants of the public lands. The Pacific Railway does

not pass through the part of the country that is being settled. It strikes out north and west from Selkirk, and traverses an uninhabited and uninhabitable country, by the narrows of Lake Manitoba, for hundreds of miles. There is not a settlement on the line, except Selkirk, and yet, perforce, we must have other railways built to remedy the blunder in the location of our national highway. All the financial energies of this country, we are told, have been, and are being taxed for the purpose of constructing this Pacific Railway, and yet we are to build other roads and subsidize them with grants of land! I have no doubt this scheme is one that was talked of last Session in the lobbies of this House—to build a line from Emerson, one of our settlements close to the border, and pursue a north-westerly course passing through a section of the country that the Pacific Railway ought to have served. I have no doubt such a railway would pay, but what would be the results?—not a bushel of grain, not an article of export, would pass over our Pacific Railway, but through American channels. Would any person of common sense, looking at the map, imagine for a moment that the products of the country would pass by way of Emerson, and afterwards take the Canadian Pacific route? We have in Canada the best means of doing that carrying trade. What is the Welland Canal being enlarged for? To do not only our own, but also a large portion of the United States' carrying trade. We have in our magnificent water stretches, to which the Secretary of State so frequently refers, the best and cheapest route. We are building the Fort Frances Lock, and yet we are to have a route *via* Emerson, to carry our trade to the United States. I would like to see the North-West developed. It is worth developing. It is the backbone of the country. It is the great wheat-producing portion of Canada, but in the way the Government are expending our money and proposing to expend it, instead of our getting the benefit from such expenditure, the Americans will have it at our expense. Look at the Fort Francis Lock! I can point to American papers which say that the large expenditure made there is for the benefit of the lumbermen of Minnesota. We have no timber, or but

*Hon. Mr. Aikins.*

little, on our side, and yet this expenditure is going on, while the very thing our people most desire—the construction of the road from Thunder Bay to Red River—is delayed.

Hon. Mr. PENNY—An hon. gentleman opposite, on your own side of politics, differs from you.

Hon. Mr. AIKINS—I am only responsible for my own views. I know the people of the North-West are anxious to have our own route opened up.

Hon. Mr. PENNY—I am with you.

Hon. Mr. AIKINS.—I hope the hon. gentleman will bring his influence to bear on the Government to have that road built. With reference to other paragraphs of the Speech, I do not think they amount to very much. The fact is, we have had nearly all of those statements made in the public press. It is true, this is the official way of communicating them to us. The only thing new announced this evening, is the statement made by my hon. friend behind me, from Prince Edward Island, and that is, it was highly important that a governor should be sent to Battleford, in the person of Mr. Laird, in order that when Sitting Bull came across the boundary line no complication should arise. I should like to have the correspondence on that subject laid before us. So far as Sitting Bull is concerned, and the negotiations with the American troops and officials, I believe they took place through Col. McLeod, and not through Lieut.-Governor Laird. I think it very questionable whether Governor Laird had anything to do with it, but the hon. gentleman wanted a reason for sending him to the North-West, and found in this Sitting Bull incident an argument in favor of sending him to administer the affairs of an uninhabited country.

Hon. Mr. MACPHERSON moved that the debate be adjourned until to-morrow. Carried.

The House adjourned at six o'clock.

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## THE SENATE.

*Tuesday, February 12th.*

The SPEAKER took the chair at three o'clock.

After routine.

## THE ADDRESS.

Hon. Mr. MACPHERSON resumed the debate on the address—he said : I did not intend to take any part in the debate upon the Address in reply to the Speech from the Throne, because I have always thought it better to follow the British practice if possible, and leave discussion on the Address to Ministers of the Crown and the leader of the Opposition. The debate of yesterday, however, took a wide range, and the friends of the Government, especially my hon. friend from Prince Edward Island, seemed determined that the debate should extend, and that the Address should not be carried, as it might have been, at a comparatively early hour yesterday afternoon. In the course of the debate so many questions were touched in which I feel a special interest, that I consider it my duty to address the House. Before entering on the subject of the Address, if the mover of the resolutions will allow me to do so, I will congratulate him and the House upon his accession to the Senate. The facility and felicity with which he addressed the House yesterday, in the language which is most familiar to the great majority of us, was exceedingly gratifying, and his experience as a merchant cannot fail to be of great service to the House. I have no doubt after a short time he will shake himself free of party fetters—if he is fettered by party, and I don't know that he is, for I am not personally acquainted with him—and take an unpartizan view of the proceedings of this House. We are told in the Speech from the Throne that, in summoning us again to the despatch of business, His Excellency is pleased to say that nothing beyond the ordinary business of the country has called us together. This is the fifth time under the auspices of the present Government that this paragraph has been substantially repeated. There has been little or no important legislation during the present Parliament. Now, when we consider the outlay attending every Session of Parliament, it really behooves us to consider whether there cannot be some more economical manner of voting the supplies adopted. That is almost all of importance that we are bound here to do. The cost of legislation is six hundred thousand dollars per Session, making the sum of three millions of dollars for the Parliament. Now,

*Hon. Mr. Macpherson,*

I put it to hon. gentlemen, has the country got value during this Parliament for this large sum? The cost of legislation to the four millions of people of this country, I venture to say, is unparalleled in the experience of any other four millions of people in the world. I would like to say a very few words with reference to the Governor-General and his departure from the country. He has, I take it, seen more of Canada, knows more of its resources, and has described them more graphically than has been done by the pen or tongue of any other. He possess in a high degree the rare gift of always saying the best thing at the best time, and in the best manner. I believe he is as true a Canadian as any citizen of the Dominion. I feel satisfied that in him Canada will always have a warm and constant friend, and I know I express not only the sentiment of this House, but of every man in the country, when I say that his departure will cause universal regret. He will carry away with him the best wishes of the people of this country for the happiness and prosperity of himself, Lady Dufferin, and family. I am exceedingly glad that the Fisheries Commission arrived at an award. All who know Sir Alexander Galt will know that he brought to bear on that subject a great amount of talent—as great probably as any other man in the country could have brought to bear upon it, and while he may not have got all we consider ourselves entitled to, I believe he did right to accept the award. I agree with the hon. Senator from St. John, who seconded the Address, that a settlement was of more importance than the amount. With respect to the Exhibition that has taken place at Sydney, New South Wales, and the one to take place this year at Paris, I am very glad the Government took steps to have us suitably represented at the former, and are taking steps to have us properly represented at Paris. I hope, in sending the specimens of what this country produces and manufactures, that they will send such specimens as may induce and extend trade with other countries. I think that very great good ought to result from those exhibitions. I do not know that much benefit has resulted so far, but it is an advantage to our people, to our manufacturers, to visit them. It is good for

our manufacturers to see what is done elsewhere when they attend with their own exhibits, and, therefore, I think the money expended in this way is well expended. We have heard from time to time a good deal said about the political confederation of the Empire; now, I believe, that to be successful, it must be preceded by commercial federation. I do not look upon commercial confederation as being chimerical; on the contrary, I think if deputies from the Mother Country and all the colonies met together in London, and discussed their various interests, and told what each required and what each produced, and could spare, it would be found that a very much larger inter-imperial trade than exists now would rapidly grow up—that very intimate and beneficial commercial relations could be established, and that the creation of such material interests might be followed, and certainly would be followed by more intimate political federation, and I believe it is the only way in which political federation can be brought about. I think the present time is propitious for suggesting a scheme of this kind. The commercial depression which is felt so much in this country, is felt more or less in almost all the colonies and in the Mother Country. The time is propitious for the further reason that I regard the present Prime Minister of England, Lord Beaconsfield as, of all men in the world, the most likely and the best able to grasp and develop the important and grand national and Imperial features of the project. In my opinion it would be worth the while of the Government of this country to propound such a scheme. I confess I do not expect them to do so, because they tell us they cannot do anything to promote the interests of the country—substantially that is what they say. Now if a scheme, such as I have given but the roughest outline of, could be carried out, the prosperity of this country would be enormously increased, and there would be little left for us to envy in the condition of any other country. It would advance the prosperity of all parts of the British Empire and unite them in indissoluble bonds. In speaking on the subject of trade I may state, as I have often stated, that I, myself, am a free-trader, but I cannot help feeling that our one-sided freetrade relations with the United States have not answered well.

*Hon. Mr. Macpherson.*

We have failed to get real freetrade, and the one-sided one has not been successful. One of the maxims of freetrade is "that the proper policy is the one that yields the greatest good to the greatest number." That is sound, but it is always difficult or impossible to ascertain what does really afford the greatest good to the greatest number. Now there is no doubt in a country like this, which is chiefly agricultural, that if our people have to spend all their savings in paying for imported necessities—and in the payment of interest upon our debt, it will be impossible for Canada to become rich, and the country is not enriching as it ought, and our public debt is increasing at an alarming rate. It has been increased by the present Government thirty-two millions of dollars, and I think that the opinion of the country must be that Canada has very little to show for it.

Hon. Mr. SCOTT—Do you include in that the amount taken over from Ontario and Quebec?

Hon. Mr. MACPHERSON—No, I am speaking of the money borrowed in England.

Hon. Mr. SCOTT—Part of that was to pay old loans.

Hon. Mr. MACPHERSON— I repeat the Loans negotiated by the present Government amount to thirty-two millions of dollars.

Hon. Mr. SCOTT.— Oh, no.

Hon. Mr. MACPHERSON.— That is the amount. I need scarcely say that I join cordially in the expression of regret in the visitation of the City of St. John, and sympathy for the sufferers. It was a fearful calamity, unparalleled in this country, and I am sure Parliament will readily approve of the grant which the Government made, and would do so even if it had been larger than it was. With respect to what is said in the Address on the subject of extinguishing Indian titles to lands in the North-West, there is no doubt it was wise to do so. It was necessary to secure the peace of the country, but a great deal of unnecessary expenditure has been incurred by the Government in the North-West. The establishment of the North-West Government itself was perfectly unnecessary. Nothing could be more so. The Governor of Manitoba could have administered the affairs of the North-West for a great many years to come, and probably

better, even, than the Government at the new capital at Battleford. The Indians had very great faith in the late Governor of Manitoba, Mr. Morris, and I have no doubt, whoever may be the Governor of Manitoba carrying out the instructions of this Government—which I have no doubt will be in accordance with the instructions always issued by the Government of Canada—the Indians will have confidence in him as the Representative of the Queen. But in the haste to establish a Government in the North-West, the Ministry placed its seat at Fort Pelly, and expended a large amount of money there, and then discovered that the place was quite unsuitable. How much money they spent there we cannot tell until the Public Accounts come down. One of the difficulties in discussing a question of this kind, on the Address is, that there is no more information before the House now than there was last Session. However, Fort Pelly had to be abandoned, and Battleford was next selected. I am told that this place is also unsuitable, and the probability is that it will have to be abandoned. All this has occurred in consequence of proceeding faster than was necessary, and before the Government was in possession of information to guide it. An enormous amount of money will be spent in connection with the new Government of the North-West. There is a Lieutenant-Governor and Council, and a departmental staff which up to this time have been idle, and will be for some time to come. It is true the Lieutenant-Governor, Mr. Laird, negotiated the latest treaty with the Indians, but the Lieutenant-Governor of Manitoba could have done it equally well, and it was not necessary to appoint Mr. Laird at a high salary. When the people see what all the expense amounts to they will be astounded. Perhaps it is known to most hon. gentlemen that I visited Manitoba last summer. I heard when there that the Indians were not as contented as they had been, and that there was not the same confidence in the agents employed amongst them as there had been in former times; that they had become suspicious, and were growing more so. As for Sitting Bull, he is a potentate I do not know much about. At the same time, I think the Government might have let him stay without sending one of their number to Washington about

*Hon. Mr. Macpherson.*

him. I fear we may have assumed a responsibility unnecessarily. The congratulations on the abundant harvest are, of course, just. The next paragraph says that the increased revenue returns indicate that the commercial depression which has effected Canada is passing away. I hope it may be so, but I am afraid the belief at this moment is only entertained by the Government. I am afraid the increased revenue indicates excessive importations. It is probable that the imports will be smaller this spring than they were last, and that the falling off will be felt in the Revenue. The business men of the country are unquestionably suffering very greatly from the depression. The Insolvent Act is a measure that I think the Government ought to take some trouble to understand the working of. I am not going to express an opinion of it, because it is a very large question, and is one which should be examined by a commission, but its working at present unquestionably is to enable dishonest debtors to increase their business capital at the expense of their creditors. I am inclined to think the wisest course would be to suspend it for a time and appoint a commission to enquire not only into the working of the Act in the past, but to inform themselves thoroughly on the subject generally, and submit the best measure they could devise to Parliament at a future Session. The Lumber Trade, to which reference has been made, especially the American portion of it, continues to be as depressed as ever. I think I may almost say that for the present it is hopelessly depressed. The forests of Michigan and other States, afford all the lumber that is required in the United States at a cheaper rate than it is possible to export it from Canada and pay the duty which is imposed upon it in the United States. Now I come to the subject of the Pacific Railway, and that is one on which I will speak as lightly as I can, because, no doubt, it will come up more than once during the Session; but there are some errors—errors is altogether too mild a term—some extreme blunders on the part of the Government, in connection with the Pacific Railway, to which I must refer on this the first occasion on which I have the honor to address the House this Session. It will not do for the Secretary of State to say the Government inherited obliga-

tions in respect to it from the late Administration, and therefore are not responsible. The country will not accept that explanation. The only thing they inherited from the late Government, was the treaty with British Columbia to build the railway across the continent. That treaty they tore up and left themselves free to deal with the whole question in the way that in their judgment was best for the country. And what have they done? As soon as they succeeded to office they entered energetically upon the construction of the Pembina Branch of the Pacific Railway. They constructed the road bed, built the culverts, got it ready for the track, sent up the steel rails at an enormous freight—fifteen dollars per ton from Duluth to Manitoba—and when all this was done they suddenly stopped and changed their policy. They said the American line would not be built to the boundary, and there was no use in finishing the Canadian one. Now, if the American line was not to be finished, why did not the Government know it before they commenced work on the Pembina Branch? But if they had finished that work, I am satisfied the American part would have been completed to the line before our part would have been open six months. I have no doubt whatever upon that point: but there was a very powerful interest opposed to the construction of that branch—the transportation interest on the Red River. Its influence is very great, and I do not hesitate to say that it may have been felt even by the Government of the country, and that the road has remained incomplete for three years or more to the great inconvenience, disadvantage and loss of the people of Manitoba, and all those going there, largely in consequence of the opposition of that powerful influence. The road was made, the rails were beside it, and yet for the last three years the road has remained in that unfinished condition. How much would it have cost to lay the track? Very little, and if they had but run a train a day, up one day and down the next, it would have cost but a trifle, while it would have served to show, at all events, we had done all in our power to get railway communication with Manitoba. Now, without any special movement on the part of the American company so far as I know, the Government announces its intention of completing the

*Hon. Mr. Macpherson.*

railway. I may be uncharitable, but I cannot help thinking if the general election was not to come off before next year, there would be no movement in the Pembina branch this year. The hon. Minister of Agriculture and one of his colleagues visited Manitoba last year at the time when the hon. Senator from Kingston and myself were there, and they must have learned that unless something was done the Government could not expect a supporter from that Province at the next general election. I cannot help thinking that the movement on that line now is an electioneering one, just as in the case of the Georgian Bay Branch at the last general election, and we may have that enterprise up again as an electioneering card for the coming election. My hon. friend from Toronto—Mr. Aikins—and myself do not agree, as has been observed by the hon. Senator from Montreal, as to the best means of extending communication to the North-West. He thinks the best plan is to build an all-rail line. I think that is beyond the means of the country, and I think, furthermore, it is unnecessary, and will be unnecessary for many years to come. Probably we are now committed to it irrevocably. My hon. friend said yesterday that we constructed the Welland Canal and other canals for the purpose of securing the great trade of the West. That is very true, but it must be remembered that that trade is supposed to pay our shipping and to bring a handsome return to the country. If the trade with the North-West was sufficient to be profitable, I would not object to the building of a line of railway to transport it. If it would pay I would hold up both hands for our having an all-rail route to connect that country with this. But what are the facts? The tide of immigration to Manitoba, and to this Continent generally, has been checked, and is not likely to recover from that check for a long time to come. In the North-West the population is small, and increasing slowly. The whole surplus of the Province last year was from two to three hundred thousand bushels of wheat. Say there was an equal amount of other products—and that is a large estimate—what freight would that afford to a railway? It would not load more than a few trains. It amounts to nothing. My own opinion is that the im-

proved Dawson route was all that was required for many years: that by it a large class of emigrants, sons of our farmers in the older provinces, could have gone into the North-West and taken their teams with them. Very great progress had been made with the route, and it was very passable, but it has fallen into disrepair during the last three years, and if the very demon of destruction had been sent there to ruin the route and destroy the stations, it could not have been more effectually done. I would not have objected to the scheme first proposed by the Prime Minister—a railway from Lake Superior to Sturgeon Falls—and use some 180 miles of water communication; but that is not what has been done. I will not refer to the Fort Francis Lock to-day except incidentally. An all-rail route has been selected for the Pacific Railway from the Kaministiquia to the Red River through a hopelessly irreclamable howling wilderness, where there is no population and where there can never be any, or any traffic. That is the country through which a railway 420 miles in length is being built by the Dominion. Have we the means to construct it? Not content with doing that, the Government have located the line for 150 or 200 miles west of the Red River through the very worst part of the country which, from all the information I could get, is altogether undesirable, if not entirely unfit for settlement. If the instructions of the engineer of the Pacific railway when he went out to locate that line from Lake Superior to the narrows of Lake Manitoba had been to run it where it would be impossible for the people in the settled part of the country to make use of it, he could not have carried out the instructions more fully than has been done. The road has been carried away from the settled portions of Manitoba, and from the country fit for settlement. What will be the effect of that location if it is carried out? It will tend to divert the whole trade of the North-West away from this country which has to pay for the railway, to the United States. The railway as at present located, passes at the narrows of Lake Manitoba, that is, North of Lake Manitoba and South of Lake Winnipegosis, where it can never be of any benefit to the people of Manitoba. If this country has the means to build the railway—I think it has not—

*Hon. Mr. Macpherson.*

the line should have been located as far south as possible so as to cut off all the trade we could from the United States and secure it to our own railway and to our own markets. As it is now, all the trade of that country will be diverted from Canada to the United States, and the railways that we now hear projected and to be subsidized with land, railways running from near the boundary to the Pacific Railway, will be so many feeders for the American lines instead of our Pacific Railway. The trade of that country is small now, and will be small for years to come. Emigration is checked, and even though it were not, the new population would consume the surplus of the country for years, as was the case in the Western States and in every new country. For many years there will be a comparatively small surplus, wholly inadequate to support the all rail line which is being constructed. It will be remembered this House last Session recommended that a survey south of Lake Manitoba should be made. I believe a survey has been made, but I am not aware what the report is, but if the present line is adhered to—and hearing of the projected lateral lines I am inclined to think it will be—I believe it will be a great misfortune to the country. The two ends of the section of the railway between Lake Superior and the Red River are being built, 114 miles running west from Lake Superior and 114 miles running east from Selkirk on the Red River, leaving a gap of about 190 miles not yet placed under contract, and not located, so far as I know. I saw in the press a few days ago, an article congratulating the country on the opening of about 30 miles of the railway from Red River. Why, that piece of road was opened simply to enable the contractor of Section 15 to send in his supplies. There will be no traffic on that piece of road. There are no people in there, not even Indians. There will not be a bushel of potatoes carried over that road until it is opened to Rat Portage, except what is taken in as supplies for the laborers on Section 15. There will be no traffic on the Lake Superior end either, until it and the western section meet, and when they do meet, and the line is completed, it will traverse but a hopeless barren wilderness. I repeat here, that, until

the middle section is completed, the two ends will be utterly worthless; they will simply be decaying, and, so far as I know, the middle section of 190 miles is not even located. Now, I think the facts that I have stated with respect to the Pembina branch and the building of those two disconnected ends of the Pacific Railway, and the neglecting of the central section, show an extraordinary amount of blundering on the part of the Government. The Canadian Pacific Railway is being built in a very temporary and flimsy manner. I saw that the Prime Minister compared it to the Intercolonial Railway, the only difference being that the bridges were of wood, while those on the Intercolonial were of iron. Why, the only enduring material used is the steel rails. The bridges and culverts are all of wood, no stone or brick is being used, and the opinion of practical men in that part of the country, with whom I spoke on this subject, is that the life of timber there is not more than eight or nine years at the very outside. On a part of the line—Section 15, as I understand—there would be a good deal of high trestle work. Before the central part of the line can be completed or any useful part of the Railway can be opened, a very considerable portion of it at the two ends, measuring together 228 miles, will, I fear, be far advanced in decay. That is an example of the management of the Government.

Hon. Mr. AIKINS.—The bridges will be rotted down before that middle section is completed.

Hon. Mr. MACPHERSON.—I fear they will. And the mismanagement there is only an example of the most unaccountable blundering which seems to attend their management of all the great works. Take the Welland Canal, just the same sort of mistake has been committed there. I may tell hon. gentlemen who are not familiar with the Welland Canal, that the improvements there are not merely to enlarge the Canal, but to feed it with water from Lake Erie. Now, hon. gentlemen would naturally suppose that, in laying out that work, care would have been taken to have the works that are to connect the Canal with Lake Erie completed as soon as the heavy works along the Canal. Instead of that the

*Hon. Mr. Macpherson.*

works along the Canal, including some three hundred feet of lockage towards the lower part of the Canal, are practically finished, while the upper section, the one that is necessary to obtain water from Lake Erie, was, as I am informed, only placed under contract last autumn, so that these works, which cost probably not less than six millions of dollars, will be lying idle for the next two or three years, for want of the completion of the upper section, the cost of which will probably be a million of dollars or less.

Hon. Mr. SCOTT.—A considerable part of the contracts were given out by the late Government.

Hon. Mr. MACPHERSON.—If, after five years of supreme control of the affairs of this country, the hon. gentleman has to fall back upon his predecessors, it is a weak defence.

Hon. Mr. SCOTT.—The useless part of the work was let out first.

Hon. Mr. MACPHERSON.—Probably if the late Government had not been displaced they would have let the upper portion. Why did not the present Government do it? If they had done so two years after they came in, it would have been completed in time. Then there is an aqueduct, which may be considered the key of the whole work. That was only put under contract last year, and cannot be completed for a long time. It is hoped, I believe, that the present aqueduct may be used for a time, that a couple of feet may be scraped off its crown, so that large vessels may pass through the canal, but surely this important work should have been put under contract sooner. Another extraordinary proceeding is the deepening of what is known as the feeder and which in former days conveyed the water that fed the canal from the Grand River, but which will not be required when the water supply is taken from Lake Erie. Notwithstanding this, the Government has, I understand, expended between \$100,000 and \$200,000 in deepening the feeder.

Hon. Mr. SCOTT.—Those works have been under the charge of Mr. Page, who was Engineer of the late Government.

Hon. Mr. MACPHERSON.—My book-keeper has charge of my books, but he is under my instructions. Where is the use or value of a practical Commissioner of Public Works, such as Mr. Mac-

kenzie was represented to be, if he is not to guard against such blunders as I have called attention to. One of the advantages which was hoped for was that he would watch the details of carrying out the great public works, and it would not have given him much trouble to do it. It will not do for hon. gentlemen to turn round and say he had so much to do that he could not attend to such matters. The Minister of Public Works need only have had the profiles—and he must have seen them—of these great public works before him, and he could see what should be done first, and what could be postponed. There is only one other subject I will notice, and that is the last loan. I must say a little more than I did last Session on the subject. I only touched it then very lightly. I really forbore out of consideration for the Minister of Finance, pointing out what I considered the worst features of the loan, but seeing he declared in his last Budget Speech what I did not notice at the time, that it was only one of a series of loans, I desire to bring its most objectionable features before the House and country. There is one thing that every borrower of money, be it individual or nation, must make up his mind to—and that is to pay, in one shape or other, the interest that capitalists consider the securities loaned upon should pay. In the case of public securities the return that capitalists expect can be readily ascertained by looking at the market reports for the quotation of the prices and the rates of interest. Now, our five per cents, at the time the last loan was negotiated, were at 105 to 106½. The Minister of Finance, in his Budget Speech last Session, said:—"The actual value of that loan at 91 being as nearly as possible to 5 per cents. at 108, whereas the current selling price of those 5 per cents. was barely from 105 to 106½, deducting accrued interest." Now, it must be remembered, that this is a borrowing country, and that, in the words of the Finance Minister, the loan he negotiated in November, 1876, was only one of a series of loans, and it behooved him, as it now behooves us, to borrow upon the terms which, all things considered, are the best for this country at present. Now, I maintain that was not done in the case of the loan of 1876. On the contrary, the injudicious system was introduced, of sacri-

*Hon. Mr. Macpherson.*

ficing a part of the principal and issuing the loan at a large discount, for the sake of a reduction in the nominal rate of interest. The true policy for a country like Canada, that has to negotiate a series of loans, is to pay the rate of interest that will command not less than par for the loans. To issue loans at a large discount, as our Minister of Finance did, involves a large loss of present capital, and was, therefore, burdening the present generation to relieve posterity. A loan at five per cent. should, have sold for about 105—that is, at a premium of five per cent. whereas the four per cent. loan which was negotiated netted this country only about 87½ per cent. Now, the difference in the result, if the loan had been issued at 5 per cent., would have been this—the loan of £2,500,000 converted at the old par of exchange, would be \$12,166,666, and at 5 per cent premium, would have yielded \$12,775,000. Deducting for agency one per cent., \$127,750, would make the net proceeds of the loan \$12,647,250. The net proceeds of the four per cent. loan actually negotiated was only \$10,645,833, or \$2,001,417 less than a five per cent. loan would have yielded. Now, capital is of the very first importance to us. The great works which we are now constructing are not for ourselves alone, but mainly for posterity. By the system adopted by Mr. Cartwright we lost for present use \$2,000,000 capital, and have to bear the whole burden of that loss for the sake of a nominally reduced rate of interest. To obtain the nominal rate of four per cent., instead of five per cent., interest, \$2,001,417 of capital was sunk. I think that was sacrificing too much for posterity. It would have been much better for us, and have made very little difference to posterity, if, instead of getting \$10,645,833 from a four per cent. loan, he had negotiated a five per cent. loan, and received as the proceeds \$12,775,000. I hope I have made my views plain to the House. I think the main facts must be sufficiently manifest—that by the plan adopted by the Minister of Finance in negotiating the last loan, he sank \$2,001,417 of the principal in the payment of interest in advance to make his nominal rate of four per cent. equal to five per cent. to the lenders for the whole period of the loan. Capitalists generally prefer negotiating a loan at a discount to

one at par or above par. They can dispose of it more advantageously than of a loan which stands higher on the Stock Exchange. It is a great mistake to speak of the financial agents, Messrs. Glyn & Baring, as being the agents of this country for the negotiation of our loans. They are the agents of the country for paying interest and attending to matters of that kind. But when our Minister of Finance goes to England to negotiate a loan, they act for themselves and their English clients and make the best bargain they can. In this case they made an exceedingly good bargain. But Mr. Cartwright was at the mercy of the money lenders when he negotiated the last loan. He must have had money. The capitalist knew very well that a wise use of it was not to be made in this country. They knew how money was expended in Canada—a portion lying idle in the Welland Canal, involving a loss in interest of probably a million of dollars, and they knew a further amount was in the Pembina branch, and a great deal more in that most unwise of all works, the Pacific Railway. They knew the misuse that would be made of the capital just as well as we did, and they were necessarily influenced as money lenders lending to prodigal men would be. They exacted a high rate and imposed onerous conditions. The terms were very extraordinary, and we do not know who took the loan. The names of the allottees were refused in another place last Session. I must say the way in which the loan was negotiated, and the price was fixed was so objectionable, that we have a right to full information. We ought to know who the allottees were and what the allotments were. The price of this loan was fixed in secret though there should have been no secrecy about it. I cannot understand how any man acting alone would consent to sink so much of the money of his country as was sunk in this case, without the knowledge of the people, and without submitting it to the strictest audit. I saw by the newspapers that the National Bank of Australia had advertised for a loan last month. How was that done? They advertised for tenders fixing the minimum price in their advertisement at 95., interest at four per cent, while we issued our four per cent loan nominally at 91 per cent, but the various conditions attached made it net us only 87½ per cent.

*Hon. Mr. Macpherson.*

I say that in the face of such facts we are entitled to the fullest information in connection with the fixing of the price and the negotiation of that loan. Every one per cent on that loan amounted to \$120,000. I am not going to impute wrongdoing to any body, but whoever understands the matter will see that the transaction afforded scope for a very large amount of secret service money. It was only last Session that the Public Accounts Committee in another place were very much exercised over a trifling amount of secret service money which they knew had been expended in the public service. The circumstances attending the negotiation of the loan have opened a proper field for investigation by that Committee. I say if I were a member of that Public Accounts Committee, I would insist upon the most searching enquiry and bring to light all the facts, and the Finance Minister should desire to have such an investigation. The transaction afforded scope for the creation of a Secret Service Fund which would have rendered it unnecessary for members of the Ministerial party to “come down handsomely” at election times.

Hon. Mr. SCOTT.—You speak from experience, possibly.

Hon. Mr. MACPHERSON.—I dare say the hon. gentleman's experience and mine in that way are very much the same.

Hon. Mr. SCOTT.—The hon. gentleman will hardly say there was any Secret Service money in Mr. Cartwright's possession.

Hon. Mr. MACPHERSON.—I contend that nothing connected with the loan should have been done in secret, and I say when such things are done in secret, openings are afforded for irregularities.

Hon. Mr. SCOTT.—The hon. gentleman knows very well this was transacted through Sir John Rose and Messrs. Glyn & Baring, and if anything was wrong on the part of Mr. Cartwright, they must have shared in the fraud.

Hon. Mr. MACPHERSON.—I am not going to relieve the Government from the responsibility that attaches to them. The Finance Minister alone was responsible. He alone represented this country. The other gentlemen, whoever they were, were the lenders, and were not acting for the Dominion.

Hon. Mr. SCOTT.—Sir John Rose was acting for this country.

Hon. Mr. MACPHERSON—When the Finance Minister goes to England, he supersedes every other agent, and I have no doubt Sir John Rose and Messrs. Glyn & Baring represented themselves and their English clients.

Hon. Mr. SCOTT—Sir John Rose acted on the part of Canada.

Hon. Mr. MACPHERSON—We should have the names of the allottees and allotments, and all the facts relating to the matter. With respect to the Independence of Parliament measure, which, we are told, will be submitted to us, I will only say that what has been brought to light has brought discredit and reproach upon parliamentary institutions, and I hope an Independence of Parliament Act will be devised by the hon. gentlemen which will keep their friends pure.

Hon. Mr. SCOTT—And their opponents.

Hon. Mr. MACPHERSON—Yes, and their opponents too. With respect to the system of auditing the Public Accounts, there is, no doubt, room for very great improvement, and probably one of the things most necessary is that a uniform system should be observed—uniform year after year. That is very frequently departed from, and is exceedingly inconvenient for those who take some pains to look through the Public Accounts. For instance, in 1876, the details of Customs expenditures were given in the Trade and Navigation Returns, instead of in the Public Accounts, as was formerly the case. In looking at those details, I see that the Customs Revenue in Montreal, in 1876, fell off \$1,570,416, while the cost of collecting it increased \$17,452. Will hon. gentlemen explain how that was? It is perfectly impossible that the increased expenditure could have been necessary in the public interest. Then I find among the new items wages to lockers and extra clerks, \$12,465; extra services at Examining Warehouse, \$5,735. Now those were extraordinary additions to that branch of the service in 1876, in the face of a falling off in the Revenue of \$1,500,000. Then there is an item for cartage, &c., at the Examining Warehouse.

Hon. Mr. SCOTT.—I presume that is added to the Customs by the parties whose goods were transported to the warehouse.

*Hon. Mr. Macpherson,*

Hon. Mr. MACPHERSON.—All these details which used to be in the Public Accounts are, for 1876, in the Trade and Navigation Returns. Why was the change made? Then there is a paragraph relating to the temperance question. Whatever that measure may be, I hope it will be one in consonance with the public sentiment of the country. The only other thing which I will notice in respect to the Speech from the Throne is an omission. I am not over strict, but I regretted missing from the Speech what I do not recollect having missed from the Speech from the Throne on any other occasion, I mean an invocation of the Divine blessing upon the labors of Parliament. That is an omission which I think is to be regretted. I shall not take up the time of the House any longer, I regret that I was obliged to speak on the Address, but the Government and their friends rendered it necessary for me to do so.

Hon. Mr. DICKEY—I cordially share in the congratulations that have been expressed in the tone and manner of the mover and seconder of the Address, on answer to the Speech from the Throne. Since these hon. gentlemen delivered themselves yesterday, the debate has taken a wide range, and, as it appears to me, somewhat irregularly, the question of freetrade has been interjected into the discussion. Irregular and inconvenient it is; but certainly the Government cannot complain of that, since it was in consequence of the dissertation on freetrade with which we were favored by the hon. Secretary of State that this question arose, and gave rise to the criticisms of my hon. friends from Woodstock and Sunbury, and these criticisms have not yet been answered.

Hon. Mr. SCOTT—It was not I who started the debate on freetrade.

Hon. Mr. DICKEY—Allusion was made by the leader of the Opposition to the question of protection in connection with the commercial depression. It was quite legitimate, but it was wholly incidental, and certainly did not afford ground for the position taken by the hon. Secretary of State, unless it was his desire to get up this debate, which was perfectly legitimate and proper if he desired so to do. But if he had not taken the course which he did, our labors would have been

shortened, and this discussion would not have taken place. When I read the first paragraph in the Speech from the Throne, I felt comforted that, as we were to have only ordinary business, we should have a short Session, but, as I found it followed by eighteen other paragraphs, I could not help thinking that we would not have the pleasure of spending our Easter holidays at home, and that there was a good deal of truth in the criticism that "what the Speech lacked in depth it made up in length." The third paragraph refers to the Washington Treaty and the award made under it by the Fisheries Commission. I do sincerely hope that we have heard the last of all those carping criticisms on the Washington Treaty, as ill-timed as they were unpatriotic. I think the Government are entitled to credit, certainly they shall receive that credit from me, for recommending for Commissioner on that Commission of Enquiry so distinguished a man, and so able a statesman as Sir A. T. Galt. The officials of the Marine and Fisheries Department are also entitled to credit for the manner in which the case was presented at Halifax, and I think it is nothing more than due that I should express the opinion which was impressed on my mind when witnessing the closing scenes of that celebrated Convention, that great credit is due to the leading Counsel of the Dominion, Mr. Thompson, for his exhaustive and eloquent summing up of the British case, which extorted even the admiration of his opponents. Whatever may be thought of the provisions of the Washington Treaty, or of the inadequacy of the sum awarded, we must all agree that a new epoch has been introduced in the settlement of international differences, a peaceful arbitration tending to lasting good-will between the two great English speaking nations of the earth. There is a reference made in the 13th paragraph to the necessity of opening up and settling the North-West, but I am sorry to find there is nothing in the Speech or Answer referring to the probable early establishment of communication with that territory. It does seem to me that before talking of settling a country they should at all events afford to settlers the means of getting into it through the highways of our own Dominion, whether it be by the

*Hon. Mr. Dickey.*

Dawson route or by an all-rail route. Certainly we should complete the communication before we talk about what is to be done when settlers get there. There are other measures foreshadowed in the Speech, which I do not feel it necessary to advert to just now, because I think it is more convenient to reserve criticism until those measures are laid before us. There are some remarkable omissions, one or two of which have been referred to already. There is only an incidental allusion to the great commercial depression which has overshadowed the land. There is not a word about the causes of that depression, or of any remedial legislation to alleviate its pressure, nor by readjustment of our fiscal legislation to aid the struggling industries of this country, while no less than two paragraphs are devoted to the distinguished Indian, Sitting Bull! Whatever my hon. friend the Secretary of State, and the Government may think; however little importance they may attach to this matter, I think they will find ere long there will be a deep feeling of disappointment in the country that there is no allusion made, except a most remote one, to the commercial depression of this country, and there is no remedy proposed to relieve the continued depression of the trade and industries of the Dominion. The hon. Secretary of State announced yesterday, when he said: "What can the Government do? The Government can do nothing." If my hon. friend is sincere in making that statement—and I have the right to think he is—he must have abdicated the functions of Government altogether. Are we not always legislating to assist trade and commerce? What is your free list in your tariff or your varying scale of duties, but a legislative effort to aid the industries of this country? I might go through the list of legislative measures and show without any difficulty in what way you can alleviate this depression by wise fiscal legislation, by placing the burthen of taxation on goods coming into this country that enter into immediate competition with our native industries, and admitting at low duties articles we cannot produce here, such as raw sugar, &c. I am not going into this to-day, but I merely notice the extraordinary statement that the Government have no power, and the sentiment is

re-echoed by hon. gentlemen in this House who are supporters of the Government. If they admit their incapacity to deal with this question, they must admit to that extent, they are abdicating the functions of a Government. The hon. Secretary of State will recollect that in the course of this debate the hon. gentleman who introduced the Address, in trying to explain a ground for the depression of trade, spoke of its being the result of expensive living, of extravagance, and to some extent there is no doubt it has a great deal to do with it, but will the hon. gentleman allow me to remind him how that is met in private life. Let him go to London at the present moment where I admit there is very great depression, and he will find thousands of servants thrown out of employment in consequence of gentlemen contracting their expenses in order to meet the altered circumstances of the times. What do we find in this Speech? Do we find the slightest allusion made to the necessity of accommodating our expenditure to the altered state of the country? No, there is no allusion to it, and we only find an allusion in a paragraph that in remodelling the departments the expenses will not be increased. That is the only consolation we get. Under the circumstances there will be a deep feeling of disappointment in the country, and it is vain to escape the conclusion that the country will feel there is neither the power nor the will to pass any legislation which will remove the great cloud of depression that overshadows the Dominion at the present moment. I do not intend to occupy any further time in this discussion because the various matters which I conceive wholly incidental to this debate have been imported into it, and amply discussed, perhaps to our very great profit. We have all listened with much pleasure to the Speech we have just heard, and even members of the Government will accord great credit to the hon. gentleman for the labor and pains he has taken in collecting the information which he has laid before the House, and for bringing to the notice of the Ministers of the Crown matters which deeply affect the interests of this country. Before sitting down I cannot refrain from referring to the paragraph in the Address relating to the Governor-General's visit to the North-West Provinces, and to the very qualified expression that is

there given on the Vice-Regal visit, and its results, in terms certainly none too strong. If we are prevented by Parliamentary etiquette from giving any warmer expression of our pleasure, yet, individually, we must all recognize the very great benefit of that visit, and the lucid, stirring and eloquent speeches of His Excellency, so important to the future of this country. I may be permitted to add that the amiable and accomplished lady who accompanied him in all his peregrinations, will share with him the feelings of regret which all of us will experience when the hour arrives for them to leave the shores of this Dominion, in whose fortunes they have ever evinced so deep an interest.

Hon. Mr. PELLETIER—The hon. leader of the Opposition, with the courtesy that he has always shown to this House, in answering the mover and seconder of the Address, has, in the course of his remarks, said that due diligence had not been used by the Government in the construction of the Pembina Branch. This remark has been repeated by other members, and a more serious charge has been made by the hon. member for Saugeen, that it is not unlikely that the Government had some interest in the Transportation Company that prevented the construction of the Pembina Branch on the American side, and some influence must have been used by the Government on the American companies. This is a serious charge, and I hope the House will require some better proof than the hon. gentleman's statement that there has been any corrupt understanding or agreement in this matter. The reason why the Government did not continue the building of that branch is perfectly defensible. Three years ago the Government commenced work on the Pembina branch. The grading of the road was nearly completed, and the rails were brought there with the hope that the American companies would do what they promised to do—extend their lines to the frontier. Unfortunately, since that time, from year to year, something has prevented them, or some influence has been exercised on the American company, to cause delay in building their road. Efforts have been made by this Government every year to have our part of the road built, but seeing that the American companies were not

going on with theirs, it was thought by the Government it would be useless to expend thousands of dollars on the Pembina branch until there was a chance of connection being made with the American system of railways at the frontier.

Hon. Mr. MACPHERSON—It would have afforded railway communication for seventy miles—from Winnipeg to Pembina.

Hon. Mr. PELLETIER—Still the traffic would have been entirely controlled by the Transportation Company, and everyone knows, that until the branch on the American side is built, the Pembina branch will be utterly useless. It was only last summer we had the promise that one American company will build that road, and we can assure the House now that the money will be provided for that purpose. I hope that I am not saying too much when I say, that in the month of August next we can go to Winnipeg by the Pembina branch. The Government is blamed by the hon. gentleman from Saugeen District for locating and constructing the road north of Manitoba. We cannot be blamed for that, and I am sure that every hon. member who will look at the position of the Government, coolly and without partizan feeling, will see that the Ministry have done all that they could do. We had perfect confidence that the engineers appointed by the late Government were men of large experience in such matters, and had no interest in doing anything that was not for the benefit of the country. We took the very same engineers, Mr. Fleming and Mr. Smith, who were employed by the late Government, and continued them in charge of the work. If hon. gentlemen will take the trouble to look into the report of those engineers, they will see that the only practical route for the building of the road is north of Lake Manitoba. Many gentlemen have asserted it is not a practical route. While in Manitoba last fall, I met gentlemen who told me the same thing, but they were persons who may have an interest in the route south of Lake Manitoba being adopted. We have, however, to follow the survey made by the engineers until better evidence is given. It is impossible for Ministers to explore a route themselves, but we have done all we can to have the best route selected. There may be differences of

*Hon. Mr. Pelletier.*

opinion between engineers who have a better knowledge of the country, but until some proof is given as to who is right, the Government have no knowledge of the fact. I am of the opinion that the presentation of the Address is not the proper time to discuss many of the subjects that have cropped up in this debate. The hon. member from Woodstock has blamed the Government for not having done something to alleviate the commercial depression. I am sure not only the people in Canada and the United States, but the people of the whole world will be very thankful to any hon. gentleman who will suggest some means by which the crisis can be suppressed. The depression is not confined to this continent, but it is felt generally throughout the world. We are not, at least, the only Government to be blamed for doing nothing to relieve their country from the depression. We are told that the adoption of a system of protection would certainly remedy the evil; I believe the best answer to that is to look to the other side of the line, and see what effect protection has had on our friends there. The hon. gentleman from Sunbury asserted yesterday, that protection was not the cause of the depression in the United States. I have read a great many articles, however, by men who are supposed to understand this question thoroughly, in which the policy of the Government is blamed for the depression existing in that country. I am sure if any one can suggest a remedy to the Government the country would be very much indebted to him, but we are only told it is the duty of the Government to suggest something or to adopt a policy. We have also been told that the present Government have increased largely the departmental expenditures. Now is not the proper time to discuss this question, and the Public Accounts, when they are brought down, will be the best answer to this accusation. Of course there is an increase in the expenditure authorized by statute and for public works, but this was not under the control of the Government. The expenditures under the control of the Government since 1873 have not only not increased, but they have actually decreased, as will be shown by the Public Accounts, when they are laid before the House.

Hon. Mr. DEVER.—I wish to express my gratitude for the friendly manner in which each speaker alluded to that paragraph in the Speech referring to the St. John fire. I am the only member present immediately from that city, so sadly afflicted by that terrible conflagration of the 20th of June last, by which our greatest edifices were totally destroyed within the short space of three hours. Our Custom House, our banks, our churches, our beautiful buildings—some of them worthy of being called commercial palaces—some twenty-seven or thirty millions of dollars worth of property were all consumed in this short period, while the insurance did not exceed seven millions of dollars, so that hon. gentlemen will see at once the loss which was sustained. I perceive that the Government claim credit for placing in the estimates a sum of money, \$20,000, which they contributed towards the relief fund, for which I feel grateful, as I should. But when I contrast that amount with the generous donations of mere hamlets in Canada, and from cities and towns of foreign countries I feel that our Government might have been somewhat more liberal, and I think in being so they would have been fully sustained by the people and legislature of this Dominion. I feel also in looking back at that great catastrophe that the Government would have been justified in showing greater liberality to our unfortunate city, from the fact that the fire had consumed goods on which duties amounting at least to \$500,000, had been paid which goods had again to be replaced, and on which duties had to be paid the second time. There is another paragraph in the Speech which refers to changes that may be advantageously made in the departmental arrangements existing at present. I had the honor on a former occasion, of pointing out that at least one department of the Government of this country might be done away with, by which at least \$220,000 per annum might be saved to the Dominion. I refer to the Excise Department. Hon. gentlemen who have taken the trouble to look into the matter, will see that there are only two articles of goods on which excise duties are levied to any extent.—These two items are Spirits and Tobacco, and the manufacture of them is no good to this country but a

*Hon. Mr. Dever.*

great loss. Better import them like other goods from natural markets and pay the duty at the Custom House, thereby saving an increasing expenditure of some \$220,000 per annum for a host of unnecessary officials. We have a right to expect this piece of economy with others from a Reform Government, especially in reply to the statement that "nothing can be done" for the alleviation of our commercial depression. But, gentlemen, as this commercial question will, no doubt, come up for your consideration again, I will not occupy your time any longer with a discussion which is unsuited to the present occasion. I will advert to the paragraph referring to His Excellency, the Governor-General. I think I may safely say, hon. gentlemen, that the expressions which dropped from the lips of the mover of the Address had an echo in the heart of every man, woman and child in this Dominion, wherever intercourse was had between that excellent man and them. Throughout the length and breadth of this Dominion, where His Excellency is known there is but one feeling, and that is a feeling of pain that we are so soon to lose our popular Governor-General. For as an administrator, as a gentleman of culture, and as an orator, he has won the highest admiration and esteem of our people, and all will regret the day when His Excellency and his amiable and beautiful Countess, will take their departure from these provinces which he has served so well.

The Address was then carried.

#### THE FISHERIES COMMISSION.

Hon. Mr. MACPHERSON enquired of the Secretary of State what time the Report of the Fisheries Commission would be laid on the table.

Hon. Mr. SCOTT said he was not in a position to give the information asked for. He assumed that that report, though made in the interest of the Dominion, was a report to the British Government, and it had to go there first as a matter of courtesy. Our connection with it was, of course, by the intervention of the Imperial Parliament. He had no doubt, however, when it was completed they should have a copy of it, and that the Government would be able to place it in the hands of hon. members as soon as possible. It was being printed in Halifax under the supervision

of the officers in charge of it, but it was, properly speaking, the property of the Imperial Government.

The House adjourned at 5 p. m.

## THE SENATE.

Wednesday, Feb. 13th.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### THE FISHERIES AWARD.

Hon. Mr. BUREAU moved—That an humble address be presented to His Excellency the Governor-General, praying that he will be pleased to cause to be laid before this House, copies of all documents and pleadings relating to the questions decided by the award rendered at Halifax, on the subject of the indemnity of five million five hundred thousand dollars, under the Treaty of Washington, particularly the twenty-second and twenty-third articles of that Treaty, and all copies of all letters and despatches between Her Majesty's Government and those of the United States of America, and of Canada, on the same subject since the rendering of the award. He said it was unnecessary for him to use any argument to show the necessity of having those important documents printed. Our able and distinguished lawyer, Mr. Joseph Doutre, had informed him that they contained much that was of value and interest to the people of this country. He concurred in the opinion expressed in this Chamber by several hon. gentlemen who had taken part in the debate on the Address in reply to the Speech from the Throne, that the award of the Arbitration would be paid by the United States Government in the same prompt and honorable way, that the British Government had paid the indemnity awarded to the United States by the Geneva Arbitration.

Hon. Mr. SCOTT.—I learned from the Minister of Marine and Fisheries to-day, that he has received a printed copy of the proceedings, and there will be no objection to its being brought down.

The motion was carried.

*Hon. Mr. Scott.*

### THE BREAKWATER AT WEST ARICHAT.

Hon. Mr. MILLER moved :—That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, all surveys and reports made by any Government Engineer within the last six years, in relation to the Breakwater at West Arichat, in the Island of Cape Breton. He (Mr. Miller) asked the indulgence of the Senate, while he made a few brief remarks in explanation of the motion. The harbor of West Arichat was one of the most important shipping ports in the Island of Cape Breton, and owned a considerable amount of tonnage. It was so frequented by vessels that the late Government considered it necessary to erect a light-house specially for the use of shipping resorting to the port. The harbor was once a very good one, but had suffered serious injury by the drifting of sand and gravel, which was fast filling up the safest anchorage. Before Confederation, the Provincial Government, chiefly through his (Mr. Miller's) exertions, had undertaken to arrest the complete destruction of the harbor of West Arichat, by the construction of a breakwater between Crichton's Island and Isle Madame. The work had been undertaken, and was half completed at the time of the Union of the Provinces, at an expenditure of about \$8,000. Since then nothing had been done. The old work was nearly useless, and was fast becoming destroyed. The harbour was also gradually filling up, and would ere long be comparatively useless to the shipping of the country. The Government should do something now to stop its destruction, ere it was too late. He did not know why it was that this important subject had been so long neglected by those whose duty it was to look after the matter. Feeling this, last session he (Mr. Miller) brought the question to the notice of the Government from his place in the Senate, because he considered that the past neglect and injustice had been tolerated too long. He was then met by the hon. gentlemen opposite in a manner that led him to believe that his remarks had produced a good effect. He trusted that either in the regular or the supplementary estimates a sum would be placed this year for the completion of this breakwater. It certainly ought to be

completed before the harbour was totally ruined. The work was one of those that was very properly taken over by the Federal Government after Confederation, and surveys of it had since been made. He (Mr. Miller) wanted the reports of such surveys, as he felt sure they would show the public utility of completing the work in the interests, not only of the inhabitants of the Port, but in the interests of the shipping of the whole country.

Hon. Mr. SCOTT.—I am unable to say from memory whether this has been under the consideration of the Minister of Public Works or not. I will be happy to bring down any papers in the possession of the Department bearing on the subject.

The motion was carried.

The House adjourned at 3.20 p. m.

## THE SENATE.

*Thursday, Feb. 14th.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### L'ARDOISE BREAKWATER.

Hon. Mr. MILLER moved—that an humble address be presented to His Excellency the Governor-General, praying that he will be pleased to lay before this House, a statement showing the amount of money expended during the past year on L'Ardoise Breakwater in the Island of Cape Breton, and the mode of such expenditure with the authority therefor. He said that, before going out of office in 1873, the late Government had ordered a survey to be made of the waters of L'Ardoise, with the intention of constructing a suitable breakwater at that place. The work was estimated by the Engineer to be likely to cost about \$60,000, and it was well known to every one who was acquainted with the requirements and important industries of the place, that the expenditure would be a judicious one. L'Ardoise possessed one of the most valuable and productive fisheries in Nova Scotia, and, having a very considerable population, it con-

*Hon. Mr. Miller.*

tributed very largely to the public revenue. These fisheries would be far more profitable than they were, if the coast were provided with a breakwater which would afford shelter to the men, boats and vessels, engaged in the prosecution of this arduous and dangerous calling. The fisheries of Canada were a source of immense wealth to the country, and those employed in them did not receive the consideration from the Legislature or the Government, to which their interests were entitled. It was astonishing how grudgingly a small grant could be wrung from this Government to promote the development of our fisheries, or the security of the lives and property of our hardy fishermen. L'Ardoise Breakwater was a case in point. The estimate of the late Government for a breakwater at that place, as he had already said, was \$60,000. The present Government found the work so far assumed by their predecessors, that they were bound to do something in fulfilment of the expectations of the people in regard to it. They did not feel at liberty to throw it overboard altogether, or he supposed they would have done so. But what did they do? True to the policy of this Government towards Cape Breton, instead of accepting the plans and estimates they found prepared for them, they determined to substitute for the contemplated erection, a small pier or block of logs imperfectly ballasted and secured, at a cost of a few thousand dollars, pretty much in the style of their first essays with regard to St. Peter's Canal. That block was built in the summer of 1876, and fortunately the winter following was very mild, and the coast unusually free from drift ice, otherwise the structure would have been carried away last winter. He was told it was very imperfectly secured, and not sufficiently ballasted, when taken off the hands of the contractor by the Government. Money had been expended on it last autumn by day's work, the money having been placed in the hands of a Government partizan, who had some reputation as a valuable man in manipulating votes at elections. Some people were uncharitable enough to say that the mode of expenditure was adopted altogether with an eye to the coming general election, and was judiciously used for that purpose. But he (Mr. Miller) did not desire to im-

pute any thing wrong to the individual who had the expenditure of this money, who outside of his erroneous political proclivities was a worthy man, but he did find fault with the manner of expending public money adopted in the case in question. There was nothing to justify it. Apart from the appearance it presented of an attempt to make political capital by tampering with the poorer class of the electors, the money could have been much more judiciously and advantageously expended by tender and contract, when everyone would have a fair chance to compete for it. It was a dangerous thing to permit any departure in such a case from the tender and contract system. The friends of the present Government had boasted that they had secured the electors of L'Ardoise by the expenditure of the money on the breakwater. But he (Mr. Miller) knew that they had not secured the independent electors of that fine community, who were a large majority of its inhabitants, as the next general election would prove. His greatest complaint, however, against these gentlemen was that they had refused to the people of L'Ardoise and all others who resorted to that fishing ground, a suitable and commodious harbor for the carrying on of their avocations. It would have been only a small concession to that valuable industry—an industry that receives very little attention from Parliament, while less important subjects engross much of their time, and receive large appropriations from the public funds. He trusted the Government was not going to allow L'Ardoise breakwater to remain in its present unsafe and imperfect condition, and that they might be induced to act justly, if not generously, (on the eve of a general election) in relation to that and other similar subjects in the ill-treated Island of Cape Breton.

Hon. Mr. SCOTT—As my hon. friend has not given me any proof that the Government have been guilty of what he has charged them with, I am not prepared to answer that portion of his remarks. I am under the impression the money was wisely and well expended. I am advised by the Public Works Department that there was in 1876 an unexpended balance of \$1,300 carried over, which was spent in 1877, the work being done by day's labor. I suppose in so small a way as one involving twelve or thirteen hundred

*Hon. Mr. Miller.*

dollars, it is much more economical and satisfactory to expend the money as was done in this case than to call for tenders. Of course, I cannot speak as to the character of the work, whether it was more suitable to be done by day's labor or by contract, but I assume the course was pursued by which the most was done with the money, and this is the first I have heard of any imputation against the Government that they used it for political purposes. If they had had any object of that kind in view, I should think it would have been better to hold the money over, because, as a rule, people are more grateful for favors they expect than for those they have received.

Hon. Mr. MILLER—I do not blame the Government so much as I do the friends of the Government.

Hon. Mr. SCOTT—I presume they are all friends of the Government down there.

The motion was carried.

The House adjourned at 3:25 p.m.

## THE SENATE.

*Friday, Feb. 15th.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### PETITIONS FOR PRIVATE BILLS.

Hon. Mr. SCOTT said that the time for receiving petitions for private bills expired to-day, and, as he understood that a number of petitions were on the way, he moved that the time for receiving them be extended to the 25th inst.

The motion was agreed to.

### CANADIAN PACIFIC TELEGRAPH.

Hon. Mr. AIKINS moved—"That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, copies of all specifications on which tenders were invited to construct the Lake Superior and Fort Garry sections of the Canadian Pacific Telegraph; also, copies of all correspondence between the

Government and persons tendering for the same; also, copies of all contracts for the construction of the several portions thereof." He said an address had been adopted last session for "copies of all correspondence between the Government and the contractors for the construction of the Pacific Telegraph, and copies of all contracts for the several portions thereof," but, unfortunately, the returns brought down did not include all the information desired, and he now made this motion in order to have complete information on the subject submitted to the House. He made this motion thus early in the Session, because last year some six or seven weeks elapsed before the returns were brought down. He had intended to make some remarks on the subject, but deferred them until the papers were brought before the House.

The motion was agreed to.

#### THE STANDING COMMITTEES.

Hon. Mr. SCOTT moved the appointment of the Standing Committees. He said they were the same as last year, the only changes being the substitution of the Hon. Mr. Thibeau's name for the late Hon. Mr. Wilson's, and the addition of Hon. Mr. Alexander's to the Contingent Accounts Committee.

The motion was agreed to.

The House adjourned at 3:30 p.m.

#### THE SENATE.

*Monday, Feb. 18th.*

The SPEAKER took the chair at 3 p.m.

After Routine proceedings

#### THE HUNTER DIVORCE CASE.

Hon. Mr. AIKINS moved that the petition of Hugh Hunter, praying for divorce from his wife be received.

Hon. Mr. MILLER asked to have it laid over until to-morrow.

Hon. Mr. AIKINS said he saw no necessity for it, and would prefer to have the petition received without delay.

Hon. Mr. MILLER said there was not sufficient evidence that the person who served the notice upon the wife of Hunter was acquainted with her.

*Hon. Mr. Aikins.*

Hon. Mr. AIKINS said she had been pointed out to him by a man who was present at her marriage with Hunter.

Hon. Mr. DICKEY thought there would be no delay in letting it stand for a day, inasmuch as the Private Bills Committee was not yet organized, and the petition could not go before them even if it were received.

Hon. Mr. AIKINS said it was called to meet to-morrow and it was important that the petition should be read now, in order that delay might be avoided.

Hon. Mr. MILLER raised the point of order, that no notice of motion had been given.

The SPEAKER ruled that the motion was in order.

The motion was agreed to on a division.

#### ST. PETER'S CANAL.

Hon. Mr. MILLER moved:—"That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, all reports, surveys, plans or alteration of plans, contracts or assignment of contracts, and Orders in Council, made within the last two years, in connection with the enlargement of St. Peter's Canal, in the Island of Cape Breton." He said he presumed the Government would have no objection to lay these papers on the table, and he would feel very much obliged if they would do so as early as possible, as he wished to reserve the remarks he had to make on this subject until the papers were before the House.

The motion was agreed to.

#### MAIL IRREGULARITIES IN NOVA SCOTIA.

Hon. Mr. MILLER moved:—"That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, copies of all correspondence between the Post-office Inspector for Nova Scotia and any other person or persons, during the months of November, December, and January last past, in relation to mail irregularities between the Post-offices of Arichat, Hawkesbury, and Antigonish in the said Province, and all evidence obtained and reports made by the said Inspector in connection with the

same." He hoped that this return would also be brought down at an early date. He did not think that more than ten days, at the very outside, would be required to prepare the return. As he was desirous to prove a charge against the Post-office Inspector in Nova Scotia of a dereliction of duty in connection with this matter, he wished to have the papers presented as early as possible.

Hon. Mr. SCOTT said he would call the attention of the Postmaster-General to the matter. He had sent to the Department for the papers asked for, and they had not been received. He presumed they were still with the Inspector.

The motion was agreed to.

#### COMMUNICATION WITH PRINCE EDWARD ISLAND.

Hon. Mr. HAYTHORNE moved:—"That a humble address be presented to His Excellency the Governor-General, praying that he will be pleased to cause to be laid before this House, a return specifying:—

1st. The sums expended in repairing the steamship *Northern Light* during the year 1877.

2nd. The number of passages made by the said steamship between the ports of Georgetown in Prince Edward Island, and Pictou in Nova Scotia.

3rd. The number of mails received on board the said steamship and delivered up to the 14th instant.

4th. The number of mails which have been despatched for transmission by the said steamship, but have ultimately been transmitted by other means."

He said:—"It has been my duty on several occasions to call the attention of this honorable House to other branches of this same subject. Upon those occasions I was applying for the fulfilment of certain terms of Confederation, which up to that period had not been carried out. I now come before the House to make a statement showing as briefly as I can that, although those terms have to a certain extent been fulfilled, they have not been attended with that success which might have been hoped for and expected. In making these remarks I must disclaim any intention of speaking in a spirit of hostility to the Government. I am aware that they and this Parliament have expended a large sum in fulfilling

Hon. Mr. Miller.

the terms of Union with Prince Edward Island; that a steamship has been built specially for the purpose of keeping open winter communication with Prince Edward Island; that it has been built according to the best modern ideas, and that large sums have been expended in repairing that vessel. I also say that under the circumstances, the Government were perhaps justified in making the experiment of carrying the mails between Georgetown, Prince Edward Island, and Pictou, Nova Scotia, inasmuch as those two ports were safe harbors. Georgetown at least had the reputation of being open to a very late period every winter. They also had the further advantage, that each port was the terminus of a railway. Therefore it was perhaps felt proper and justifiable that the Government should make a thorough experiment of the harbors of Georgetown and Pictou, in order to ascertain whether communication between the Province of Prince Edward Island and the mainland could be maintained there. We have now the experience of one entire winter, and part of another, and that experience certainly indicates very clearly that the position in which the *Northern Light* is now placed is not suitable for the purpose for which she was built and employed. I shall endeavour to show that other localities between Prince Edward Island and the mainland are better suited for this purpose than the place where she is now located. It may be necessary perhaps to give some personal experience on this point, because I do not wish to disparage the capacity of the *Northern Light* for the work for which she was built. I can say that I spent two or three days on board of her, and had a every reason to be satisfied with her performance, but at the commencement of this season the weather was so remarkably mild and open that she scarcely met with any greater difficulty than would be encountered in the summer; but towards the end of last month, on the first occurrence of cold weather, her course was beset with fields of ice packed in such a manner that she was unable to continue her passages. The hon. gentleman who will second this resolution (Hon. Mr. Montgomery) had some practical experience on board the vessel this season. I have had none. I think my hon. friend went on board on the 31st

January. I followed him two or three days later. After waiting a couple of days for the return of that vessel, I was induced, hearing the mails were to be sent by another way, to go by the old route, between Cape Tormentine and Cape Traverse. Now, if personal inconvenience was the only difficulty in this case, of course there would be very little to be said about it, but I can tell hon. gentlemen that the failure of that vessel to return caused a delay, in the transmission outward, of the mails from Georgetown, and also of the inward mails from Pictou to the Island. The former had to be sent a distance of 80 miles to Cape Traverse, the latter by a long circuitous route to Cape Tormentine. On the occasion I refer to, Charlottetown was without a mail during six days. Our mercantile community experienced a difficulty which, I am sure, every honorable member of this House will appreciate—the inconvenience of being without any communication with the mainland except by telegraph for six days, and I see by despatches from the Maritime Provinces that this occurrence has been repeated since then, and the mails have been ordered to be transferred to the old route. There is so much to be said in favor of the route between Cape Tormentine and Cape Traverse for mail purposes over the Georgetown and Pictou route, that I hope I will be pardoned for presenting them in as few words as possible. Between Pictou and Georgetown is a distance of thirty-five to forty miles, and that space, as the winter advances—generally towards the end of January, sometimes earlier—becomes closely packed with heavy fields of ice, and I leave hon. gentlemen to imagine for themselves what the wear and tear must be to any ship, however well and strongly built, when driven stem on through such fields of ice, for days, perhaps. Allow that vessel any clear space of water, and she will break her way through formidable barriers of ice, but when she is packed in, as we have read of vessels being caught in the ice in Arctic regions, it becomes almost impossible for her to extricate herself. She must await the action of the wind and waves, and if we could be aware of the facts at the present moment, I believe that is the position in which the *Northern Light* is now—waiting for the action of the south-west wind to release her from her

unpleasant predicament—surrounded by seven or eight feet of solid ice. This wear and tear cannot be repaired, of course, for nothing. I make this motion, as I have stated, not in a spirit of hostility to the Government, but to show beyond doubt that the vessel is placed in an unsuitable and inconvenient position. I have heard it said in many quarters—in fact, at one time I advocated the same course myself—that the proper way to proceed would be to issue a commission of enquiry to ascertain the most suitable route. Four years ago that commission would have been exceedingly useful; but at the present day, when we have had the experience of two years, and when it has been demonstrated beyond question that there is but one route suitable, I think a commission of enquiry would only cause unnecessary delay. One of the great recommendations in favor of the route between Capes Traverse and Tormentine is the fact that the straits there are only nine miles wide, and that distance is reduced in winter to seven miles by the “bord” ice, as it is called. That ice seldom or never moves. At that point only can boats cross. Everywhere else any attempt of the kind that has been made has ended in disaster. I think the experience of two winters has demonstrated beyond a doubt that the *Northern Light* cannot under all circumstances, contend against the ice. If she could, I say certainly retain her there, but I contend she cannot. Therefore, it becomes apparent the mail service of Prince Edward Island should be concentrated at one point, between the two capes, and I am sure it would be as effectually performed as, under the circumstances, it is possible for it to be. Sometimes it would be necessary to use the steamer, and sometimes ice boats. In the early part of the winter the heavy fields of ice have not yet formed, or have not become packed as they do subsequently. It is then the old ice boats experience the greatest difficulty, and in former times I have known three weeks to elapse without mails crossing. This is due to the fact that the straits are gorged with broken ice and half-melted snow, through which no boat can pass, and on which no man can walk. But under such circumstances the *Northern Light* could run without difficulty, and with very little wear and tear. This renders the situation

Hon. Mr. Haythorne.

I have referred to particularly eligible. The soft, half-melted ice, which is known in that locality by the name "lolly," is always liable to recur during the winter. You may sometimes find a mass of solid ice in the straits, and a few days later it becomes a field of "lolly," creating an impassable space. That is the time the *Northern Light* would perform her service admirably. I must say the only valid objection I have heard urged against the route between Capes Tormentine and Traverse, is that the *Northern Light* cannot be placed there without a considerable expenditure in building breakwaters. At the commencement of every winter it would be necessary, before the "bord" ice forms, that she should have protection from the wind and waves. Afterwards, that is not necessary, because the ice is protection enough. One of those breakwaters would be a difficult and expensive engineering work. That I am free to admit: but I do say it is not expedient to abandon a situation possessing so many other advantages simply because such a difficulty stands in the way. Surely there is engineering skill enough in this country to build a breakwater sufficiently strong to resist the natural forces against it! After building the Victoria Bridge at Montreal, and undertaking other splendid works in this Dominion, including a railway across the Rocky Mountains, surely we are not going to be deterred by such a difficulty as the erection of a breakwater at Cape Tormentine. I think it would be a reflection on the Dominion to say so. I think, after a candid investigation of the subject, it will be admitted that the amount which could be economized through this change would go far to make up the cost of the required improvements. I am aware also, there are some short branches of railways required there which would also involve some expenditure, but all that is needed in the first instance is a breakwater on the mainland side. On the Island there is a breakwater already, but, being a local work, it is not, perhaps, sufficiently solid, and it would be necessary to extend, and strengthen it somewhat. The difficulty at Cape Tormentine is by no means insuperable. I have endeavored to take a common-sense view of this question. When the service between Georgetown and Pictou, after a remarkably open season, has ended in a conspic-

*Hon. Mr. Haythorne.*

ous failure, what is left for the members from Prince Edward Island to do but to bring the matter before Parliament? It is the only course open to us. I do not blame the Government for this failure. I think they were justified in giving the Georgetown and Pictou route a fair trial, but, that trial having resulted in a failure, other steps should be taken to keep communication open in winter. I think we have had sufficient experience now to enable us to decide, without a commission of enquiry, where we should establish our communication with the mainland. I am inclined to think that such a commission would only delay the change which we advocate. In bringing this matter before you I have endeavored to occupy as little of your time as possible. I am quite aware it is a subject which does not possess interest to everybody, although I know it does for many gentlemen from adjoining counties who agree with me that it is not a question for Prince Edward Island alone, but for all the counties and countries having any connection with the trade of the Province. To say it is a local question is a futile argument. It is my duty, knowing well that a time is fast approaching when public men will probably be brought face to face with those whom they represent in this Parliament, in some shape or other, (for this House has, to a certain degree, a representative character), to press the claims of Prince Edward Island upon the Government and upon Parliament, and this is my apology for the course I have taken on this occasion.

Hon. Mr. MONTGOMERY said he thought if the present route between Georgetown and Pictou were continued the Government would find it necessary to put on a second steamer, because if any thing was to happen the *Northern Light*—if she got stuck in the ice—the passengers and crew might perish. He had crossed the straits on the 31st of January last. Up to that time there had been no difficulty; there had been little or no ice and the steamer made one way trips daily. But in attempting to cross over that day she found heavy ice. She forced her way through for a long way, but was ultimately jammed into the ice so tightly that she could neither back out nor go forward, and had to remain there all night. Next morning they were three

miles from land. The captain got a boat out and after a great deal of difficulty, danger and hardship they go ashore seven or eight miles from Pictou. He feared there would always be extreme difficulty in crossing from Georgetown to Pictou in severe weather, and the only safe course is from Cape Tormentine to Cape Traverse. The *Northern Light* could work there in connection with the ice boats, because if she got stuck the ice boats would be on the spot to take her place. Under the existing arrangement the Island was without mails for a week at a time. He was very sorry that the coal provided last season for the use of the steamer was not sent to Capes Tormentine and Traverse. The steamer would have been perfectly safe there, as a harbor could be cut for her in the hard ice. They would never have regular mails by a steamer running between Georgetown and Pictou. His opinion was the only route was that which he had last mentioned, and that route could be kept open in the summer if proper piers were built, and a branch railway were constructed. It would then be nothing more than a ferry in the summer season and the round trip could be made in two hours.

Hon. Mr. HAVILAND said this was a question in which the members from the Provinces of Ontario and Quebec would take very little interest, but it was a matter of very great importance to the whole of the inhabitants of Prince Edward Island and the Maritime Provinces. They, as a matter of course, felt a deep interest in the establishment of regular winter mails. In the articles of Confederation they were guaranteed that that service would be efficiently performed. There was no doubt that the steamer *Northern Light* had cost the Government a large amount of money in the first instance, and subsequently for very extensive improvements and repairs made to her last summer. He did not think there was so much to be found fault with in the construction of the boat, but that she had been put on the wrong route. As long as she was kept by the Government on the route from Georgetown to Pictou they would have very little satisfaction as regards the regularity of mails or transit of passengers during the winter months, whereas if she were placed on the route between Cape Traverse, P.E.I., and Cape Tormentine, New

Brunswick, he believed they would not have been so often disappointed with the mails being delayed in the Gulf, or troubled with the necessity of having them transported from the steamer when she was blocked up in the ice, by sleighs, and landed at New Glasgow. Of course, the change would entail expense, as the hon. mover of the Address contemplated, by the construction of a breakwater on the New Brunswick side. The disbursements required on the Prince Edward Island side would not be as great, as there was a wharf there, which by a reasonable expenditure could be utilized so as to be ready for the steamer next autumn. There was no doubt that in the winter season it was impossible to carry on the mail service in the old fashioned style with ice boats during the formation of the ice early in the month of January, when the waters of the Gulf were one mass of "lolly" through which it was impossible to push the boat with boat hooks, and would not support a boat being dragged on runners. They had two or three weeks without having communication with the mainland, and their only means of knowing what was going on in the outer world was by the electric telegraph. It might weary hon. members constantly bringing this matter up before the House, as it had been up so often before, but the representatives of the Island had no other way of calling the attention of the House to this question in which the people of Prince Edward Island felt so intense an interest, now that they had no Minister to represent them in the Cabinet, and those gentlemen who represented the Provinces of Nova Scotia and New Brunswick, knew very little of the wants of Prince Edward Island. Their could only be laid before the Government by means of motions of this kind, either here or in the other Chamber. He believed that if a breakwater were constructed at Cape Tormentine, it would not merely be a place of transit between the mainland and the Island proper, but it would be the proper route for mail steamers to run on during the summer season, because there were only some nine miles between the two capes. All that was necessary to have hourly communication with the mainland would be the construction of these two breakwaters, and a branch line of railway either from the town of Amherst, or from

Hon. Mr. Montgomery.

a place called Aulac, down to the Gulf shore, and a short railway of ten miles from the Island Railway to Cape Traverse. It would not cost a very large sum of money, and it would render the mail service efficient all the year round, making Prince Edward no longer an Island, but virtually a part of the mainland.

Hon. Mr. BOTSFORD said this was a matter of considerable importance, not only to Prince Edward Island, but to the mainland as well, and he congratulated the members for that Island on having arrived at the conclusion that the attempt to establish communication between Georgetown and Pictou was not practicable. There was no doubt whatever, from the experience they had had during the past two seasons—two of the most favorable winters—notwithstanding the amount of money expended on the steamer *Northern Light*, that she was not competent to perform regular mail service between the Island and the mainland. He had had an experience extending over some fifty years. Hon. gentlemen would perhaps smile when he said so, looking at his youthful appearance.

Hon. Gentlemen. — Hear, hear, and laughter.

Hon. Mr. BOTSFORD, continuing, said he had had an experience of the Straits of Northumberland of half a century, and he felt that the attempt to place a steamer between Pictou and Georgetown during any ordinary winter must be a failure. The only practicable means of communication between the Island and the mainland was between Cape Traverse and Cape Tormentine. The seasons—last year and this—had been very mild. He had known winters when it would have been utterly impossible for the *Northern Light* to have passed over the straits with safety. If communication were established between Cape Traverse and Cape Tormentine, and a short line of railway were constructed from Cape Traverse connecting with the Island railway, and another short branch constructed to intersect the Intercolonial Railway at Sackville, it would render communication with Charlottetown speedy and safe—a passage of not more than four hours.

Hon. Mr. SCOTT—What would be the railway distance from Cape Tormentine to intersect with the Intercolonial Railway?

*Hon. Mr. Haviland.*

Hon. Mr. BOTSFORD said, it would be thirty-two miles. He would state to the hon. the Secretary of State that an instrumental survey had been made of the proposed railway route, levels had been taken, and it was found that with the exception of two or three miles, it was almost a dead level; and the contractor or engineer who surveyed it for the persons interested in the project had tendered for the construction of the road-bed and stations for an extraordinarily moderate sum, provided the company went on with the work. The company was formed, but there was some difficulty in obtaining rails which prevented the company for accepting the tender. Under the circumstances there was no doubt but what that route would be a favorable one both winter and summer if it were adopted, as there would not be half the danger of loss of life or property that there was by the present route. He fully concurred in the views of the mover of this address, that it was unnecessary to form a commission of enquiry to decide what was the best route. As one who knew the locality he would be of opinion that the route between Capes Tormentine and Traverse was the only route that was practicable. With the aid of the *Northern Light*, or even a less expensive steamer with small boats something similar to those now used, it would be easy to keep up regular communication between the Island and the mainland, as there were very few days in the winter when mails could not be passed across the Straits. The reasons given by the hon. members who moved and seconded this address, seemed to him conclusive that the formation of a Committee of Enquiry would cause delay. The satisfactory establishment of regular communication across the Straits would be a mutual benefit to the people of New Brunswick and Nova Scotia as well as Prince Edward Island, and he trusted that this Government would adopt that course. It seemed to him so clear, so palpable, when the whole circumstances were taken into consideration, that measures should be adopted to place the mail on the route where nature intended it should be placed.

Hon. Mr. MACFARLANE said he was not at all surprised at the confession of hon. gentlemen that the experiment of running a winter steamer between Pictou

and Georgetown had proved to be a failure. From the knowledge which he had of the Straits, he felt convinced that no boat could be constructed with sufficient power to force her way across the Straits at all seasons. He was satisfied that the *Great Eastern*, even, could not be depended upon at all times to force a passage through the ice floe. The *Northern Light* had a draught of eighteen feet of water, and it was well known that there were not many harbours on the coast that would admit a vessel drawing that much water. At Cape Tormentine, it was well known, there was a very strong current, as the Gulf narrowed between the two Capes. The water was confined to a narrow passage, and the heavy ice that came through there would prevent any vessel from going across at times. Even if there was no current, when there was a north-west wind blowing, the crossing would be impracticable. He had put this question to Mr. Sewell, when he was constructing the steamer, "Suppose your boat to have the power to force her way across the Strait, you will have to leave a certain point where her coal supply is, and on returning you will have to reach it again. But, with the pressure of the ice and current, she will be forced out of her way, so that when she reaches the shore she will be twelve or fourteen miles distant from her coaling station." This had actually occurred several times in trying to cross between Pictou and Georgetown. He sympathised with the people of Prince Edward Island. He believed the Government were bound by the articles of Confederation to establish regular communication between the Island and the mainland, but even if there were no such bond, they were bound in all conscience to use every exertion and incur a very considerable expenditure to test this experiment thoroughly. He believed it had been tested fully, at a considerable expense, and he would look with some curiosity for the amount expended during the past year for this particular service. He imagined it was a very large sum of money that had been expended on it from first to last, and he thought the explanations and the information which his hon. friend had asked for would show that the country had received very small returns for the outlay. His belief was that a Committee of Enquiry should be appointed.

Hon. Mr. Macfarlane.

Such a committee might do a great deal of good. His own experience of the Georgetown route was that on the Prince Edward side, the vessel had not experienced any difficulty; the difficulty had always been met with on the Nova Scotia side. The reason was that when they got down towards Georgetown, there was a large open bay into which the ice was pushed to such an extent that it made a continuous jam through which no vessel could force its way. Ship-masters and others who professed to know this locality better than he did, had told him that further west of that, the ice was constantly moving, and by avoiding this large bay, less difficulty would be experienced. He thought it quite possible that a Committee of Enquiry would elicit evidence of practical men, who could show that a much better port could be selected in Nova Scotia for this service than Pictou. If, however, hon. gentlemen from Prince Edward Island considered that the route between Cape Tormentine and Cape Traverse was the best, it would be advisable to test it; not by inducing the Government to undertake large and expensive works, but by putting the steamer on that course and testing the question as to whether she could cross there or not. His opinion was it would be a failure from two causes: one was that the ice floe was two miles from the land—a mile on either side. How were they to reach her in order to supply her with coal? There would be no means for doing so as there was no dock and no place by which she could have access to the coal. Until some means was found to place fuel on the vessel, she would be helpless. If, however, the *Northern Light* could be placed at that point, the practicability of the route could be tested without a large expenditure for wharves, breakwaters and other works, and satisfy the people of Prince Edward Island, that ought to be done. His opinion was, however, that a Committee of Enquiry would elicit the fact that at some other point a more favorable route than that between Georgetown and Pictou could be found, where there would be less danger from ice jams. It was well known that there were several harbors lying between Cape Tormentine and Pictou where ice jams did not occur, and this fact could be established by an investigation by a Committee of Enquiry,

if the Government would only adopt that course.

Hon. Mr. HAYTHORNE said he had endeavored to explain that one of the advantages of placing the *Northern Light* at Cape Tormentine was, it would not be subjected to the pressure of the ice, and it would thus be saved from wear and tear of that kind.

Hon. Mr. WARK said he had lived for forty years within sight of Prince Edward Island, and anyone who was acquainted, as he was, with the perils and fatigues which not only hon. members of this Senate, but the people in general were subjected to in crossing over to the mainland, must sympathise with them. He did not know that a Commission of Enquiry could elicit much more information than they now had, because there were so few people who had any experience in those Straits, except those who were obliged to cross them in ice-boats, that he feared very little would be gained by it. His experience led him to the conclusion that the flood tide swept around both ends of the Island, and the ebb tide in the same way. The hon. gentleman who had addressed the House last, had spoken of the current carrying the ice with great rapidity up and down the Straits. There was no doubt such was the case, and a vessel would be carried very far out of her course, from where she proposed landing. However, as the tide ran in from both ends of the Island, there would be a time found when, if there was no wind, there would be very little current, and this state of the tide should be looked for, in order to make the passage. The difficulty with the ice floe would be how to secure the boat during the hours she was unemployed. A breakwater was spoken of, to be constructed before the bord ice formed, and when the bord ice was formed, a mile or so on each side of the Strait, the vessel would make her passage each way in an hour, or an hour and a half; that is, she would spend only three or four hours in making her return trip, and where would she be secured during the remaining twenty hours she would be unemployed? That was one of the most serious questions to be considered, and before anything else was settled on, it ought to be tested by actual experiment. The boat might be employed there for two or three weeks as an experiment.

Hon. Mr. Macfarlane,

Hon. Mr. HAVILAND—An artificial harbor could be cut for her in the bord ice.

Hon. Mr. WARK—That would freeze up.

Hon. Mr. SCOTT—The papers asked for will be brought down. We hoped last Session from the experience we had, that the experiment of winter communication with Prince Edward Island had been successfully solved, and I am sorry to hear that the *Northern Light* has not been as successful as we anticipated. Last year from the time she commenced work to the end of the season she made thirty-eight round trips between the eighth of January and the first of April. It was apparent at first that between Pictou and Georgetown was the most convenient point to cross at, because there was railway communication already established. This year she has not altogether been a failure because between the nineteenth of December, and the ninth of February she has made twenty round trips. It was very unfortunate that just at the beginning of this month, when hon. gentlemen were on their way to this House, she got into an ice floe and was unable to extricate herself. Of course the same accident is liable to overtake any boat navigating in such waters. I have listened with much interest to hon. members from Prince Edward Island whose observations on this subject are calculated to give us very valuable experience. Still, it is doubtful, from the observations made by one or two hon. gentlemen who spoke in the latter part of the debate, that it is absolutely certain, even if the route between the two Capes were selected, we should make the experiment a thorough success. There seem to be very grave doubts on that point. Of course, if that route were adopted, it would be necessary to reach those two points by railway, which would involve a very considerable expenditure of money. I learn, in reply to an enquiry which I made while hon. gentlemen were speaking, that it would involve the construction of forty-two miles of railway, twelve miles on one side, and thirty on the other. It would also involve the construction of a breakwater at a distance of a mile from the shore, which would be a very serious undertaking, and then it is considered by some hon. gentlemen it might not be a success. I shall

have great pleasure in directing the attention of the Minister of Marine and Fisheries to the remarks of the hon. gentleman who introduced this motion, and to those of other hon. gentlemen who gave utterance to the practical opinions they have expressed. I am unable to say how far the Government would be justified in trying the experiment of crossing the steamer between the two Capes. Whether it would be feasible or not I am unable to say, but some gentlemen with whom I conversed on the subject said it might be a success, though they were not prepared to say that success would be assured. The cost last year of repairing the *Northern Light* was \$18,000. It would appear that the vessel, in the first instance, was selected as being the very best model of a boat that could be made for this special service, and I think the design was submitted to a number of gentlemen who represent Prince Edward Island, before it was accepted. Certainly, I had the opinion of several of them before the Government committed themselves to the expenditure entailed in the building of that boat.

Hon. Mr. HAYTHORNE said, practically, the *Northern Light* had solved the difficulty about where she should lie in the ice every night. She was simply run into an ice floe, and there she remained fixed until morning. But, in the hard ice, she would have a permanent berth cut, where she could lie securely, and he presumed she could be provided with coal between the Capes in the same way as she had been provided with it between Georgetown and Pictou—by means of horses and sleighs—so that she could be no worse off there than where she is now.

The motion was agreed to.

#### MINISTERIAL CHANGES.

Hon. Mr. SCOTT—Before the House adjourns, as I believe it is usual for the Government to make explanations of the changes in the Cabinet since the previous Session, I wish to give the formal announcement usually made on occasions of this kind. Hon. Mr. Cauchon having been offered the Lieut.-Governorship of Manitoba, and having accepted the appointment, the vacant portfolio was offered to Mr. Laurier, who accepted it,

*Hon. Mr. Scott.*

and is now Minister of the Department of Inland Revenue. Subsequently the Minister of Militia, having entertained doubts as to whether he had not inadvertently violated the Independence of Parliament Act, and forfeited his seat, resigned his seat in the House of Commons and appealed to his constituents. I regret to say that he was defeated. He then immediately resigned his portfolio as Minister of Militia, and it was offered to Mr. Jones who accepted it. The other change was the retirement of Mr. Blake from the Cabinet. It was very well known that during the latter part of last Session his health gave way and he was unable to give that attention to the duties of his office which was necessary to their fulfilment. It was hoped that his withdrawal from the office and duties of Minister of Justice, and his acceptance of an office of minor importance—President of the Council—would have enabled him to remain a member of the Government. Although he was away during a considerable portion of the summer seeking relaxation and renewal of his vigor, he felt it was necessary at last to consult with his medical adviser, who advised him to withdraw from all the excitement incidental to the position of a Cabinet Minister. Mr. Blake, therefore, sent in his resignation very many months before it was accepted. It had been hoped that by his withdrawal from the labors of office, and his retirement for a time, he would have recovered his health. I regret to say that was not the case, and his resignation was consequently accepted. Mr. Blake left the Cabinet from no difference of opinion with his colleagues. He was entirely in accord with them on all matters of public policy, and he resigned for the one cause alone—a cause which I am sure this House regrets, as the whole country regrets—that is, from his health having unfitted him to continue in his position as a Cabinet Minister.

The House adjourned at 4.40 p. m.

#### THE SENATE.

*Tuesday, February 19th.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

## BILLS INTRODUCED.

The following Bills were read the first time.

Hon. Mr. PENNY—To dissolve the marriage of George F. Johnstone, of the City of Montreal, with his wife, Charlotte Elsie McArthur.

Hon. Mr. MILLER—To incorporate the Fishwick's Express and Forwarding Company.

Hon. Mr. McMASTER—To incorporate the Regular Baptist Foreign Mission Society of Ontario and Quebec.

The House adjourned at 3:35 p.m.

## THE SENATE.

*Wednesday, Feb. 20th.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

## BILL INTRODUCED.

Hon. Mr. AIKINS introduced a Bill entitled, "An Act for the Relief of Hugh Hunter."

The Bill was read the first time.

## THE DAWSON ROAD.

Hon. Mr. GIRARD enquired if the Government has any determined policy in reference to the Dawson Road; and whether it is to be maintained as a public work of the Dominion, and kept open for traffic and communication? He said:—I look at the Dawson Road as one of the greatest enterprises of the day. As soon as it was decided that the North-West should become a part of the Dominion, the first thing to be done was, naturally, to open up communication with that new territory. It was in the interest of the whole Dominion that the Eastern Provinces should find a larger field for their population. The people of Quebec wished to continue the work which had been commenced long years before by La Corne and many other pioneers of the great North-West, while the Maritime Provinces were interested in seeing the trade with the rich prairies of the West estab-

*Hon. Mr. Penny.*

lished and developed. It seems to me, although there were many difficulties to be overcome, nothing was spared, until the last three years, to keep the Dawson Road in a passable condition. It was understood that this was the only highway by which passengers and freight could be conveyed through own territory to the North-West. We found the benefit of having that road in 1870, when the Dominion was obliged to send a military force to Manitoba to put an end to the trouble which had existed there for some time; and again, in 1871, when an additional force was sent through to resist the anticipated Fenian invasion. I ask hon. gentlemen if it is not possible that such contingencies may occur in the future, and what the consequence would be if—as I believe the Government intend—that road is to be abandoned? I know the interest which is felt by the people of Canada in our great North-West, and that their best wishes accompany those who are settling it, but what would be the position of that isolated population if circumstances should render it necessary to send troops and supplies to protect them if we had no road through our own territory? It would be like a father whose house was on fire witnessing his children perishing in the flames while he was powerless to save them. We would have your sympathy, but that would not relieve us from our troubles. I have not heard what the policy of the Government is with respect to that road. I know immense sums were expended to build and maintain it, until about two years ago, since which time nothing has been done to keep it in proper condition. Last summer advertisements were published offering to sell all the sheds and depots built on the route for the shelter of passengers and goods. From that fact, I conclude that the policy of the Government is to abandon that great artery—the only road by which it is possible to pass, through our own territory, from the Eastern Province to the North-West. I know the Dawson Route is not very convenient, but still it is possible to travel by it, and something should be done towards keeping it open. As soon as it was closed, our friends in the United States profited by the monopoly which it gave them of transporting freight and passengers to Manitoba. The question has often been asked—what is

the cause of the depression which prevails in Canada? In my opinion it is this—while the Americans give us as few advantages as they can, we give them every facility to profit by our heavy expenditures on public works. I have remarked that a great part of the outlay in the North-West, up to the present time, has been more profitable to the United States than to the Dominion. I would respectfully ask the Government whether the Dawson Road is a Dominion or a Provincial work? If the latter, then Manitoba will have to provide the means necessary to keep it in repair, and the repairs are very important. Last summer, the communication was interrupted by frequent rains and the disrepair into which the road had fallen. I had to pass over it myself, and I thought it would be impossible to get through. It was from bad to worse all the way—from Charybdis into Scylla. The road is in this dilapidated condition because we do not know whether it is the duty of Manitoba or of the Dominion to keep it in repair. The Dominion, having large means at its disposal, should not force a poor Province like Manitoba to keep up such a costly work, and, as it was built by them, I do not see how they can shelter themselves behind the plea that it is a local road. With these few remarks, I wait respectfully to hear the explanations of the Government.

After some remarks from Hon. Mr. CAMPBELL,

Hon. Mr. SCOTT said:—The view of the Government is this—as the railway from Lake Superior to the crossing at Savanne River will be completed at a comparatively early date, up to that point, at all events, the Dawson Route will not be used, and will more properly fall to the Province in which it is situated. From Savanne, there is navigation through Lac de Mille Lacs, and thence, over certain portages and water communication, down to Rainy Lake. That section will, no doubt, be kept open, and the necessary improvements will be made upon it, until the gap spoken of—184 miles—between Rat Portage and English River has been completed. The railway, on the western side, going east from the Red River to Rat Portage, where it intersects the Lake of the Woods, will also be completed at an early date, and the road up to the Lake of the Woods, on the west side, will

*Hon. Mr. Girard.*

naturally fall to the local authorities—that part in Manitoba will naturally be handed over to the Government of the Province. It would not be desirable for the Government to keep it open, when we will so soon have railway communication to the Lake of the Woods.

Hon. Mr. CAMPBELL—Certainly not.

Hon. Mr. SCOTT—I cannot say the length of that part of the Dawson Road between Port Savanne and Rainy Lake, or the improvements that would be necessary to put it in good condition, but there necessarily would be a gap between Savanne River and Rainy Lake, that ought to be kept open, and no doubt will be kept open in some suitable manner until the railway from English River to Rat Portage is completed. The present contract covers beyond Savanne up to English River; but that distance would not be available in the water communication, or until the 184 miles spoken of had also been completed.

Hon. Mr. AIKINS—Is it the intention to go on from Savanne to English River—40 miles—until the railway is completed.

Hon. Mr. SCOTT—Intimation has been given by the Government to the contractor, under the clause which is inserted in all contracts, that work is not to be proceeded with hastily on that portion of the road—that the Government were not desirous that portion should be pressed. The part which could be made available was up to Savanne River.

Hon. Mr. CAMPBELL—If the railway communication is open from Lake Superior to Savanne River, and the Dawson Route is kept open to the North-west Angle until the railway is perfect; that would be a scheme which, I think, would be a complete one, and would necessarily provide, also, a route from the North-west Angle to Winnipeg. But I fancy that the road from the Lake of the Woods must also be kept in order, because the railway from Rat Portage westerly will not be completed, I understand, for three or four years: therefore, unless the Dawson Road is kept open on that section, it would be useless to make improvements in any other part of it. You must make the communication complete, or not at all. One advantage is, that the route, though imperfect, will be through our own country all the way from Thunder Bay to Winnipeg.

Hon. Mr. SCOTT—I do not desire the House to understand that the portion of the Dawson Road, west of the Lake of the Woods, should be kept up. My own impression is—but I speak subject to correction, because I have not the dates in my mind—that the railway from Red River to Rat Portage will be finished sooner than the time spoken of—two or three years. If I am right in that conclusion, then the Government would not be justified in spending any considerable sum on the portion of the Dawson Road between Winnipeg and the North-west Angle. A very small fraction indeed of the travel and traffic, between Winnipeg and the Eastern Provinces, would come by that way—nearly all of it is through the United States. It is also to be considered that the gap between our boundary and the American line of communication is to be completed by August next. It has been intimated to the Government, on what has been considered substantial authority, that a reliable company has been organized to complete the link between Pembina and the North Pacific, and it was intended, as hon. gentlemen may have seen by the advertisements calling for tenders, to have railway communication from Winnipeg to Duluth open by August next. It would, therefore, be unwise to make any considerable expenditure on a road, which must after a short time become local or provincial in its character. Whatever value may be attached to it, the road will cheerfully be given to Manitoba, and they can make any improvements they please upon it; but with the experience we have had for the last three years, and the evident desire of the country to secure more convenient and speedy access to Manitoba, the Government would not be justified in expending much more money upon the Dawson Route.

Hon. Mr. AIKINS—I am pleased to hear that there is such a near prospect of having access by rail to Winnipeg, even if American railways have to be used. I have, however, no hesitation in saying that the course pursued by the Government in opening up a highway to the North-West is not in the interest of this country. My hon. friend, who passed over the Dawson Route the past season, will join with me in the belief that the gap left between English River and Rat Portage, only to be got over by these portages

*Hon. Mr. Campbell,*

and water stretches, will never establish a successful line of communication into, or out of, Manitoba. No freight or passengers will ever go over that road. So, I think, the conclusion arrived at by my hon. friend from Cataraqui (Hon. Mr. Campbell) is wise—that it is not advisable to spend much money on this Dawson Road. Then comes in the difficulty of spending such a large sum of money on the Fort Francis works. They are not completed, and will not be finished this year, and may not be next; I think the expenditure is quite unwarranted and useless. Looking over a leading journal last evening, I came to the conclusion that the Government had changed their policy on this point, and that we were to have an all-rail route from Thunder Bay to Winnipeg. The *Globe*, which is a good authority on governmental questions, says, in combating an article which appeared in the *St. Paul Pioneer Press*:—“That a continuous line of railway from Lake Superior to Red River will be open at no distant day.” From this, I thought I was justified in coming to the conclusion that the Government had abandoned their old policy of part-rail part-water, with sundry portages thrown in, as also the stoppage of any further expenditure on the Fort Francis Locks. From the Secretary of State we, however, learn that there is no change of policy, which the friends of the Government must, I am sure, regret.

#### INTERCOLONIAL RAILWAY HEADQUARTERS.

Hon. Mr. POWER moved:—“That an humble address be presented to His Excellency the Governor-General, praying that he will be pleased to lay before this House, copies of all Orders in Council, reports, recommendations, and correspondence, and any other information in the possession of the Government relative to the fixing of the headquarters of the Intercolonial Railway at Moncton.” This is a matter about which one would suppose there would be very little doubt, but there is, apparently, a good deal of doubt on the subject, and it is simply with the object of removing the doubt that I make this motion. I do not propose to introduce political questions into what I have to say, except just as little as possible. The impression on my mind previous to the late

election in the County of Halifax, with reference to this matter, was as follows :—I was under the impression that in the year 1870 (my authority for it was the gentleman who represents the County of Cumberland in the Commons, in a speech which he made at Halifax some two or three years ago) it was decided on the recommendation of the Intercolonial Railway Commissioners to remove the headquarters of the Intercolonial from Halifax to Moncton. Perhaps that may not be the fairest way of putting it. Up to that time the headquarters of the Government railways of Nova Scotia had been situated at Halifax—the principal workshops, and the office of the Traffic Superintendent and other offices of that kind were in the city of Halifax. In 1872, I think it was, the railway was completed from Halifax to St. John, and, unless I am mistaken, it was in the year 1873 that the offices—what are called the head offices of the Intercolonial Railway—and the principal workshops for the whole road were located at Moncton. The locating of the principal workshops of the railway and the principal business offices at Moncton are the things that were generally meant by the people of Nova Scotia when they complained that the workshops and offices had been moved to Moncton. If it has been stated, it was stated incorrectly, that the workshops were removed from Halifax, because the old workshops which existed in Halifax before the change that I have just spoken of remain there still, and are used as repairing workshops in which a number of engines have been repaired, and other work done, from 1872 or '73 up to the present time, just as before. I don't know whether my impression about the thing is altogether correct or not, and it is for the purpose of ascertaining that fact I have asked for the information mentioned in the resolution. There is a good deal of misapprehension on the subject. For instance, during the recent election campaign in the County of Halifax, there were statements made by gentlemen on opposite sides in that contest which were almost in direct contradiction of each other. My own impression is, that there was perhaps no intentional misrepresentation, but the persons who made the statements looked at the matter from two different standpoints. Those who said the workshops

*Hon. Mr. Power.*

had been removed by the late Government, probably meant what I have said : That the headquarters of the Intercolonial Railway had been fixed at Moncton; and the gentlemen who said that the works had not been removed by the late Government probably meant that the workshops were continued in use at Halifax for the purposes of repairing. One gentleman who seem to be under the impression that the present Government had made the change was the hon. gentleman from Londonderry who ought to be in a position to know the exact facts of the matter, and my impression is that at the time the change was recommended that hon. gentleman was a member of the Intercolonial Railway Commission. I have nothing more to say on this matter, except that I make this motion simply in order that we may get a correct statement about a matter on which there ought to be no doubt. The history of events that happened long ago must be very hard to get at when such contradictory statements are made concerning a transaction that occurred only within the last three or four years.

Hon. Mr. HAVILAND said he thought it would be a very bad precedent if this Chamber, which was supposed to be free from violent political partizanship, should be selected as a tribunal to settle questions that might arise between rival political parties during the heat of an election, whether for the Dominion House of Commons or a Provincial Assembly. It might do very well for a question of this kind to arise in the House of Commons, but he thought the Senate was no tribunal to give decisions upon such matters.

Hon. Mr. McLELAN—The hon. mover of this resolution has reference to me in this matter, and though I agree with the last speaker, that this Senate is hardly the place to bring election questions for decision, I may be pardoned for making a few observations. The hon. gentleman from Halifax states that I took part in the discussion on the removal of workshops during the late election there. Reference having been made to me in the public prints, I was called upon in a short letter to give certain facts bearing on a particular point. The question there seemed to be, which Government had removed the workshops? The result of the discussion appeared to be that the party charging the late Government with having removed

them, proved by their own evidence that there has actually been no removal. The gentlemen supporting the present Government published a letter from the foreman, Mr. Appleton, who stated that they had as many engines to repair as they ever had. It appears from this that the workshops cannot have been removed from Halifax. The hon. gentleman seems to have directed his enquiry to the recommendation for the removal of the headquarters to Moncton, and to who gave that recommendation. The Commissioners, looking at the position of the road, and its various branches, considered it important to have the principal works central to the greatest number of miles of road. North of Moncton there were 374 miles of railway; west of Moncton, to St. John, 89 miles, and east, to Point Duchene, and south, to Truro, 127 miles, making Moncton central to 590 miles. Therefore, they concluded that in that centre there should be some arrangement made for the construction and repairs of the rolling stock for that 590 miles of road. This left the sections from Pictou to Truro, 52 miles, Truro to Halifax, 61 miles, and the Windsor Branch, 45 miles, or 158 miles more, that would form another division which would naturally fall to the works then at Halifax. The Commissioners gave a recommendation for the construction of workshops and offices at Moncton; this recommendation was sanctioned by the Government, and workshops were erected there. The charge was made by the friends of the present Government, that the Commissioners had recommended the removal of the workshops that had been in existence at Halifax ever since any portion of the Halifax road was opened. The result, I think, has proved that even if that recommendation was ever given by the late Commissioners, it had never been acted upon by the Government, for up to the time of the change of Administration, it was shown by letters from Mr. George Taylor, who was then superintendent, and from Mr. Johnson, who was mechanical foreman of the workshops, that no tools or machinery had been removed, and that there was more work being then done at the Richmond workshops than had ever been done at any time previous. In confirmation of this, I may add Montgomery & Co., of Halifax, had contracted to build a number

of locomotives for the Intercolonial, but getting into financial difficulties when they had only completed one or two, the balance were given to the Richmond shops to construct. This transfer I personally attended to, and know that it made quite an addition to the work. If the hon. gentleman (Mr. Power) would refer to the report of Mr. Brydges, made after the change of Government took place, on the 20th of June, 1874, he will find that Mr. Brydges, under an Order in Council of the 12th of May, 1874, was appointed as a Commissioner to examine the Intercolonial Railway and its workings. Mr. Brydges, on the 20th of June, reported upon the whole road, and upon the Mechanical Department among others. He will find that at that time there were very nearly as many men employed in the workshops in the city of Halifax as at the workshops in Moncton. He will find in Mr. Brydges' report, page 44, that he says the total number of men employed in the Mechanical Department was, at Moncton, 198; and at Richmond, 180; so that on the 20th of June, 1874, seven months after the change of Government, there were within 18 of being as many hands employed at Richmond as there were at Moncton. It will thus be seen that the charge which has been brought against the late Government of having removed the workshops from Richmond, does not hold good, if Mr. Brydges' report be correct. I need not weary the House by going into this matter, as we have the particulars before us, but in the same report the hon. gentleman will find that Mr. Brydges recommends that the workshops should be removed from Richmond, because he found the rate of wages to be less at Moncton than it was at Richmond. He makes the rate of wages the main consideration for the removal. How far that report has been acted upon, I am unable to say, but in the supplementary report he states that his recommendations were approved by the Government, and, instructed by the Minister of Public Works, he went down to Halifax and dismissed the mechanical superintendent, Mr. Johnson, and a number of others from the Richmond workshops. But I find that he has not been able to carry out his recommendation in full, of removing the whole of the workshops from Richmond, but he has probably kept them from being

*Hon. Mr. McLelan.*

enlarged to meet the natural increase of the work. There are now some eight workshops along the line. There is one at Riviere du Loup, one at St. Flavie, one at Campbelltown, one at Miramichi, one at Truro, one at Pictou Landing, and one at Richmond, so that it will be found that the workshops have not really been removed from Richmond; that there are workshops there and at all the points I have named. But what is probably correct is, that since this report of Mr. Brydges, in June, 1874—after the change of Government—the workshops at Halifax have been curtailed. He states in the report that the ground is not favorable for enlargement; and I have no doubt but that the difference in the number of men now employed at Richmond and Moncton is more than in June, 1874. That difference, hon. gentlemen will see on page 44 of the report, was only 18, so that if there has been any curtailment of the workshops at Richmond, it has been since then, and I hope the hon. gentleman will get such reports as will set the matter at rest.

Hon. Mr. DICKEY said he rose not for the purpose of discussing this motion, but of protesting against this House being used as an arena for such discussions as the present one. The hon. gentleman who made this motion had made it expressly, and in terms, for the purpose of removing certain doubts in his own mind, in consequence of contradictory statements made in the recent electoral campaign in his own county. Was it wise that the time of this House should be taken up in fastening a charge upon an hon. gentleman who took a prominent part in the campaign who was not a member of this House, but whose statement could be challenged if necessary in the House of which he was a member. He thought the hon. gentleman would best consult his own dignity by withdrawing this motion after the satisfactory statement of the hon. member for Londonderry. He did not know what course the Government would take upon this motion, but he would protest against this House being used to settle election squabbles that had originated in a campaign in Nova Scotia.

Hon. Mr. SCOTT said there could be no possible objection to the motion going. It was a very ordinary one, asking for papers to be brought down. He was sorry to say that he had not caught all the ex-

*Hon. Mr. McLelan.*

pressions made use of by the hon. the mover, and he could not say how far this might reflect on the position of any hon. gentleman in the other Chamber. He thought it would be very unfortunate that any statement should be made that would reflect on any gentleman in the other House. As the motion simply asked for information he would let it go, and the papers would be brought down.

Hon. Mr. POWER said he had studiously avoided saying that any hon. gentleman had stated what was not true. He had said that there was a good deal of doubt and misapprehension on the subject, and he was anxious the doubt should be removed as far as he was concerned himself, and as far as other interested persons were concerned, and he was sure that there was nothing improper in that. The hon. gentleman from Prince Edward Island (Hon. Mr. Haviland) had objected to anything of a partizan nature being introduced here; but a great many resolutions adopted in this House were of that character. He had only made this motion to elicit information which he thought any member of this House was entitled to, when it was in the hands of the Government to give it. He had said nothing whatever against the selection of Moncton as the headquarters of the railway; that was a matter about which he, as everyone else, had his own opinion. He thought it would have been very much better to have left the headquarters at Halifax, but that was a matter not now under consideration. The hon. gentleman from Londonderry had called attention to the report of Mr. Brydges. He (Hon. Mr. Power) had seen it quoted in a letter of the hon. gentleman to the *Halifax Herald*, and he did not think there was much importance to be attached to it, because it was not carried into effect. The letter of the superintendent at Richmond showed that there was as much work being done there now as at any other time, and, as he had just said, if Mr. Brydges did report in favor of the removal, his recommendation had never been carried out. He presumed the reason why the disproportion between the number of men employed at Richmond and at Moncton is greater now than at the time the hon. gentleman from Londonderry had spoken of, was that in 1874 the road had not been completed, and the work was being done,

at that time, only from Moncton to Halifax, and from Moncton to St. John. Since then the road had been opened north, and there were more hands required.

Hon. Mr. McLELAN, said there were shops north of that now.

Motion agreed to.

The House adjourned at 4.20 p. m.

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## THE SENATE.

*Thursday, Feb. 21st.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### AN ADJOURNMENT.

Hon. Mr. BELLEROSE moved—"that when this House adjourns on Wednesday, the twenty-seventh instant, it do stand adjourned until Thursday, the seventh of March, proximo, at Eight o'clock in the evening." He said—I hope no objection will be made to the motion that I now submit to the House. I know that last Session objections were raised to a motion similar to this, yet I noticed that when we resumed our sittings after the recess, for a long time we met every afternoon and sat only for fifteen or twenty minutes at a time, waiting for legislation to come up from the other House. It is known to us all that of late the other House has been adjourning every afternoon at six, and there cannot possibly be any bills from that body before two or three weeks yet. Moreover, there is very little on our own order paper—nothing that we could not do in a few hours after we re-assemble after the recess. Under these circumstances, there can be no reasonable objection to the adjournment I propose. I know there is an objection. It comes from gentlemen who cannot reach their homes during the time the proposed recess would last, and I believe that is the most serious difficulty. I would remind them that whether we have a recess or not, they would have to stay here. We all know that the adjournment I propose would not delay the work of the Session. During the recess proposed, there are three days on which we would not meet under any

*Hon. Mr. Power.*

circumstances, and the adjournment would affect only five regular sitting days. I hope the motion will not be opposed.

Hon. Mr. WILMOT—I am sorry indeed that I cannot support this motion, I assure my hon. friend it is not because I would be unable to reach my home during the recess. I am sure such a motive would not actuate any hon. gentleman from the Maritime Provinces. We oppose it because it is a bad system. There is nothing to prevent hon. gentlemen from going home if they choose, but I think they need not go for want of occupation. Many important questions can be discussed in this House while we are waiting for bills to come up from the other Chamber. There is a very important question, of which the hon. Senator from Montreal (Mr. Bureau) has given notice—the remonitization of silver in the United States and the effect it may have upon this country. We all remember the silver nuisance, and the trouble it caused in this country some years ago. Such subjects deserve careful consideration, and there are many of them which might occupy our time in this House. If the Senate wants to maintain its position in this country, these long adjournments should not take place. I am not disposed to act as a dog-in-the-manger, but I am opposed to a long adjournment.

Hon. Mr. HAYTHORNE—I coincide entirely with the views expressed by the hon. gentleman who has just taken his seat. This House has been brought together at a considerable expense to the public, not to be adjourned, but to work. I left my home for that purpose, and I am ready to devote myself to any business that may be brought before us. It seems to me a grave reflection on this House to say that we have nothing to do. Are there no committees organized, and have they no duties to perform? Though we hear so many reflections cast upon the conduct of public affairs, are they to pass without notice in this House? Yet we hear of hon. gentlemen talking of going home for eight days on a stretch in the middle of the Session. If the object were to bring this House into discredit, no better means could be adopted. The hon. gentleman who spoke last used great plainness of language, and I endorse what he said about the inexpediency of adjourning the Senate for eight days. I was op-

posed to the adjournment when it was proposed last year; I am opposed to it now, and I shall always oppose such a proposition.

Hon. Mr. CAMPBELL—what have the Government to say on this subject?

Hon. Mr. SCOTT—The Government will be guided by the opinion of the House.

Hon. Mr. CAMPBELL—I think the hon. gentleman might inform us what public measures are likely to be submitted to us.

Hon. Mr. SCOTT—I doubt if, in the interim, any important bills are likely to be brought up from the other House.

Hon. Mr. WILMOT—Have the Government any measures to originate in this House?

Hon. Mr. SCOTT—It is quite possible that there will be one or two.

Hon. Mr. DICKEY—I confess I am exceedingly surprised at this motion, made by my hon. friend, and at the reasons he has given for submitting it. As the hon. Senator from Frederickton remarked, there is nothing to prevent any hon. gentleman from going home if he wishes to.

We are asked to pass this motion upon the ground that there is no business to engage our attention here for the next two or three weeks, and the Government sit silent under that, and desire us rather to lie under the impression there is none. I confess I am surprised that the Government, who have the conduct of business in this House in their hands, have not given us a different reply from that we have heard from the hon. Secretary of State, because that hon. gentleman must know better than any of us the condition of the public business. It is not for us, but for him, to anticipate that from day to day public measures of great importance may come before us. We have now on the paper several important matters, and others may come up from time to time. It has been heralded to us that a Bill of an important character—perhaps the most important that could be submitted to this Senate, in its initiatory point of view—will be laid before this House, and we have measures coming from the other Chamber. It would be improper and inconsistent for us to abdicate our functions for eight or ten days. The hon. Member who has made this motion has said, what has been frequently stated

*Hon. Mr. Haythorne:*

before, that he supposes the Members from the Maritime Provinces will oppose it because they cannot get home. The hon. gentleman forces us to retort that this proposition always comes from Members of a particular Province. This motion is unseemly, and if he will consult the feelings of the House he will withdraw it.

Hon. Gentlemen—No! No!

Hon. Mr. DICKEY—Well, we shall have the views of hon. gentlemen placed on record, and see who are the Senators who declare that this House was obliged to adjourn because it had nothing to do.

Hon. Mr. PENNY—I am entirely indifferent whether the motion passes or not, but I must say I am astonished at the excessive disposition manifested by some hon. gentlemen to attend to the public business and to make a ministerial question of this motion, when I remember that, during former administrations, adjournments of this kind were very common, and none thought the Ministry were or were not doing their duty in permitting it.

Hon. Mr. CAMPBELL—Undoubtedly if there is any business to be done we should stay here and do it; and if the hon. gentlemen on the Treasury Benches will give us any idea that there will be business for us during the next two or three weeks, I shall oppose the motion. If, however, there is no business to come up, the question is, apart from any ornament that may be thrown over it, what is the use of coming here day after day if we have nothing to do? Do we accomplish any good by this ceremony of meeting and adjourning?

Hon. Mr. KAULBACH—I have always been consistent on this question. I do not think it adds to our dignity to discuss it here. I have always opposed it. Last year I yielded on the general understanding that it would never be raised again.

Hon. gentlemen—No! No!

Hon. Mr. KAULBACH—Well, I let it go past last Session on that understanding. There is work to be done by the Committees, and I believe there are measures to be initiated in this House by the Government. But, apart from that, it is our business to be here. The public expect us to be here, and write here, and come here expecting to find us at the Capital during the Session. I know there

is hardly a mail that comes in but brings me some important matter requiring my consideration. There are measures being discussed in the other House, and we are here, not merely to consider them in this Chamber, but to study them carefully and meditate upon public questions to be submitted to us. We would be recreant to our public duties if we permitted this motion to pass. Those gentlemen who wish to go home for a few days can do so, but they should not ask us to pass this unseemly resolution.

Hon. Mr. BOTSFORD—I am very sorry to have to differ from the majority of members from the Maritime Provinces on this question. The view I take of it is this—will the adjournment as proposed lengthen the Session one hour?

Hon. Gentlemen—No! no!

Hon. Mr. BOTSFORD—Will it prevent any discussion of important questions that may be brought before the Senate? Will we not have ample time, supposing this adjournment takes place, to discuss any important matter which any gentleman wishes to submit to the Senate? I think we will, and under the circumstances I must confess I don't see any particular objection to the adjournment, assuming that I am right in the position I take. In respect to hon. members informing themselves on public questions, I know I shall have plenty to do, if I read all the blue books that have been submitted by the heads of the several departments. I know I have not time while sitting in this House to read and digest those heavy reports. Hon. gentlemen who cannot take advantage of the adjournment to return to their homes, might therefore turn their attention to the blue books, during the Recess, and thereby obtain information of public affairs and enable them to benefit the country.

The House then divided on the motion which was adopted on the following division:—

#### CONTENTS :

##### The Hon. Messrs.

Aikins,	Hamilton ( <i>Inkerman</i> ),
Armand,	Leonard,
Bellerose,	McDonald,
Benson,	McMaster,
Botsford,	Odell,
Bureau,	Paquet,
Campbell,	Penny,
Chaffers,	Pozer,

*Hon. Mr. Kaulbach.*

Chapais,  
Chinic,  
Christie (*Speaker*),  
Dumouchel,  
Fabre,  
Ferrier,  
Glasier,  
Guevremont,

Reesor,  
Ryan,  
Seymour,  
Simpson,  
Skead,  
Stevens,  
Trudel.—31

#### NON CONTENTS :

##### The Hon. Messrs.

Alexander,	McClelan,
Bourinot,	McLelan,
Cornwall,	Macfarlane,
Dever,	Miller,
Dickey,	Montgomery,
Dickson,	Northup,
Ferguson,	Pelletier,
Girard,	Power,
Grant,	Scott,
Hamilton ( <i>Kingston</i> ),	Sutherland,
Haviland,	Vidal,
Haythorne,	Wark,
Kaulbach,	Wilmot.—27
Lewis,	

Hon. Mr. DICKEY gave notice that he would, on Tuesday next, move to rescind the resolution which had just been carried.

#### FISHWICK'S EXPRESS COMPANY.

##### SECOND READING.

Hon. Mr. MILLER moved the second reading of the Bill to Incorporate the Fishwick Express and Forwarding Company.—Carried.

#### BAPTIST FOREIGN MISSIONARY SOCIETY.

##### SECOND READING.

Hon. Mr. McMASTER moved the second reading of the Bill to Incorporate the Baptist Foreign Missionary Society. He said the religious denomination asking for this Bill had been carrying on missionary operations in India and elsewhere, for a long time. They labored under a disadvantage in consequence of not being able to hold property, and this Bill was for the purpose of granting them power to do so, and for other purposes. It had been thought by some that there were portions of the Bill which did not come under the jurisdiction of this Parliament. If such were the case, he did not wish to press it,

but without committing of the House to the principle of the Bill he would ask that it be read the second time, and sent to the Committee on Private Bills, where there were several eminent professional men who would remedy any defects in the measure.

Hon. Mr. BELLEROSE said he had no objection to this Bill if it might constitutionally be passed by this Parliament; but from what he saw in the second clause of it, he believed it was merely of a local character—very like the Bill which he (Mr. Bellerose) had brought before this House two sessions ago. If the mover thought it advisable that the Bill should go to Committee, he would have no objection to its being read the second time on a division; but he did not see the necessity of that, because it was a useless waste of time to do so if this House had not the jurisdiction to pass such a measure.

Hon. Mr. SCOTT said no doubt there were precedents for such legislation in our Statute Books, and a similar Bill was introduced some years ago, but the general feeling of late was that it was inadvisable to pass such measures in this Parliament. While no objection could be urged to any of them, all having praiseworthy objects in view, they should be treated alike. As the hon. gentleman behind him (Mr. Bellerose) had observed, the Bill introduced by him two years ago, in which it was sought to allow a Society to hold land in several Provinces of the Dominion, with the view to sustain education in connection with their Order, was declared to be of a local character. The House on that occasion referred the Bill to the Supreme Court, and the Court decided it was not a subject that pertained to the Federal Parliament. The view expressed on that occasion was that where the functions sought for could be obtained from the local legislatures, it would be more convenient that the Act of Incorporation should be granted by them. He thought the Bill might be read the second time, with the understanding that no Senator was committed to the principle of it. For his own part, he had had no opportunity to examine it thoroughly, but on the face of it there was the objection that had been pointed out.

Hon. Mr. MILLER did not think the case mentioned by the hon. the Secretary of State was analogous to the Bill under

*Hon. Mr. McMaster.*

consideration. The Bill which had been referred to the Supreme Court two sessions ago, was one whereby it was sought to incorporate the Christian Brothers for the purposes of education. It was referred to the Supreme Court who, on the ground that the question of Education was one altogether within the jurisdiction of the local legislatures, decided, rightly or otherwise, that the Bill should be brought before the local legislatures. This Parliament, under the British North America Act, had no right to deal with the subject of education, and, therefore, it was *ultra vires* for this House to pass such a Bill as the one asked for by the Christian Brothers. This measure, however, was one of an entirely different character, and he did not see any reason why it should not go to its second reading and be entertained by this House. It was not a local Bill. He could not fancy any measure of this nature which would be less local in its objects. It was not a Bill whose aims and purposes were peculiar to any Province of the Dominion; on the contrary, its operations were to be confined to foreign missions.

Hon. Mr. PENNY—It is for purposes abroad—outside the Dominion.

Hon. Mr. MILLER said it was a Bill for the purpose of incorporating a body whose missions were carried on in foreign countries. If the Bill were exclusively for purposes within the Dominion, or within any Province of the Dominion, he could understand why it should be looked upon as a local measure, but he saw nothing in it that brought it within that category. On the contrary, he thought it was the very reverse. It might be a question whether the object desired could not be obtained by an Act of Incorporation from any Local Legislature.

Hon. Mr. SCOTT—That is the view I take of it.

Hon. Mr. MILLER said if there were no reason in principle, or constitutionally, why it should not emanate here, he did not see why this Society should not be allowed to come here. If it established a precedent, that precedent would serve for all denominations. This House would deal equally with all religious bodies coming for acts of this kind. Therefore, he did not see how any injustice could accrue from allowing this Bill to be read the second time. If he had any idea that

the Bill should not be entertained by this Legislature, he would oppose the second reading, as this was the stage at which a measure should be opposed, if not approved by the House. There were some provisions in the Bill to which objection might be taken, but as these were matters of detail, they could be regulated in Committee.

Hon. Mr. TRUDEL said this question was a very delicate one, and he thought the Senate should stick to a well-defined rule in order to avoid the difficulty which was now suggested to the House. It seemed to him that the principle of the Bill was such as would bring it within the jurisdiction of the local legislatures, and he saw no better reason to admit this measure than the one which had been referred to—the Bill to Incorporate the Christian Brothers. Hon. gentlemen would readily see that whenever religious questions presented themselves, they were very difficult to deal with in this House. For instance, if the Catholics opposed such a Bill as this, it would be attributed to religious feeling. He disclaimed being influenced by such a consideration himself. If such a Bill as this should come before a local legislature, of which he was a Member, he would raise no objection to it; but he could see no difference between a measure to incorporate a private society to carry on the objects of education, and one to incorporate a private company for missionary purposes. He thought the principle was entirely the same. The House would recollect that a Bill was presented at a former Session to incorporate a company in the Lower Provinces, with the object of building ships to be sold in foreign countries, which was rejected by the Private Bills Committee.

Hon. Mr. MILLER—It was sent back by the House, and was afterwards passed.

Hon. Mr. TRUDEL—I think the Bill did not pass.

Hon. Mr. MILLER—It was sent back by the House and finally passed.

Hon. Mr. TRUDEL said he thought not. It seemed to him that all measures of this kind came within the jurisdiction of the local legislatures, and he saw great difficulty in allowing this Bill to pass its second reading. This House should, once and for all, adopt a rule to avoid such difficulties. He regretted that he was obliged to vote against the second reading.

*Hon. Mr. Miller.*

He would do so, not on account of the object of the Bill, but because he thought this Parliament had nothing to do with such a measure.

Hon. Mr. HAVILAND could not see any analogy between the Bill to incorporate the Christian Brothers and this measure. The former was to enable a Society to establish educational institutions in the various Provinces of the Dominion. That was in the very teeth, if he might use the expression, of the British North America Act, which declared that all matters relating to education should be dealt with by the legislatures of the various Provinces of the Dominion. The object of the Bill now under consideration was the diffusion of Christian knowledge, not within Provinces of the Dominion, but in India and other foreign countries, and the main object was to enable them to acquire and hold property within the Provinces of Ontario and Quebec. Without this Bill they would have to go to the legislatures of Ontario and Quebec for the powers asked for by them; whereas this House had the power to give them what they demanded in all the Provinces. He believed, therefore, the Bill should be allowed to pass the second reading, and he would vote for it.

Hon. Mr. CAMPBELL thought the distinction between this Bill and the one referred to was well drawn. There was another view which should induce the House to pass this Bill. It was desirable in any case of doubt—if both the local legislatures and the Dominion Parliament had the power to enact measures of a certain kind, that the Dominion Parliament should arrogate to itself whatever power it could. There was no reason why this House should pass any self-denying ordinances, and say they should not deal with a measure because it could also be dealt with by the local legislatures. If this Society were refused this legislation here they would be obliged to go to the Ontario Legislature and to the Legislature of Quebec to obtain the powers they required—which would undoubtedly be inconvenient to them. He thought, however, there were other objections to the Bill which, while they would not render it necessary for him to vote against it, should be dealt with in Committee. The House would view with jealousy the powers such a society asked

for to hold real estate. All countries had exercised great care in granting such powers as were asked for in the fifth clause of this Bill. The Society asked for power to hold real estate to the value of \$20,000 per annum. Now that was a very large sum, but in addition to that, they asked to be allowed to take any land or real estate by devise to the clear annual value of \$10,000 without any restriction as to the period which must elapse between making such a will and the death of the testator, a provision which is constantly found in English Bills. This provision is regarded with great favor by persons who have considered the question, and are anxious to take care that persons in a dying state are not induced by weakness to make devises which, in good health and with strong powers of mind, they would not be induced to do. Therefore, he thought this power should be restricted in the same manner as in similar Bills in England, so that no devise should be legal unless made at so long a period before the death of the testator as to preclude any surmise that he was in a position to be influenced in such a manner as he would not have been if he had been in good health. Then in the last clause, the power was taken to transfer to this Society any property held in trust for them—there was no limit to the amount. First, power was taken to hold property to the annual value of \$20,000 by purchase or voluntary conveyance. Then, this additional power was taken to hold property that might, at the present time, be held in trust for the estate; it might amount to any sum—\$40,000 or \$50,000. He hoped the Bill would be amended in both these particulars, but thought no objection should be taken to the second reading. It would be better to read it the second time and refer it to a committee, and he was persuaded the hon. gentleman (Mr. McMaster) would be disposed to take care the Society was limited in respect to the powers to which he had called attention.

Hon. Mr. McMASTER said there was no necessity at all for hon. gentlemen having any delicacy in discussing this Bill. Although he was ardently attached to this denomination, he should not feel aggrieved if the Bill was rejected on principle; but as other denominations had

*Hon. Mr. Campbell.*

acts of a similar character he thought there should be no objections raised against this one. However, if it were sent to the Private Bills Committee there were several eminent lawyers there who could bring their professional knowledge to bear on it and make it as perfect as possible. If it was considered contrary to the rules of this House to legislate on such a Bill he would not by any means press it.

Hon. Mr. SCOTT said the reference of the hon. gentleman from Kingston (Mr. Campbell) to the necessary limitations by way of devise was evidence that this Bill properly pertained to the local legislatures inasmuch as the laws relating to *mort main* were different in the several Provinces. The enactments in Ontario having reference to devises were extremely strict, and a clause had been settled by the Ontario Legislature which must be inserted in all of this character, debarring the society from receiving gifts in *mort main* unless under very strict conditions.

Hon. Mr. BELLEROSE asked the hon. gentleman from Kingston if he did not believe that the second section of this Bill gave power to the Society to establish Christian schools in different parts of the Dominion?

Hon. Mr. CAMPBELL said he had no doubt that the instruction which the Christian Brothers designated "Christian Knowledge" could be taught by this Society, but the former asked for powers to disseminate secular knowledge as well, and certainly that would not be, under the ordinary acceptation of the term, "Christian Knowledge." No person would say that the Christian Brothers were not disseminating Christian knowledge, but they wanted also the power to teach secular education.

Hon. Mr. BELLEROSE said, that under this Bill, the missionaries might open a school, and that school might be called a Christian School, though in it might be taught arithmetic, grammar and every other branch of secular education. It would be a Christian school, but it would be a secular school also, and if there was an objection to the Bill of the Christian Brothers on that ground there should be an objection to this Bill also. Although the terms in which it was stated in this Bill might be different, the end sought for would be the same, and this was the best proof that the Bill was one that.

ought not to come before this House, but like the Bill of the Christian Brothers, it should go to the local legislature.

Hon. Mr. PENNY said he thought the hon. member from Kingston had not quite caught the point raised by the hon. gentleman behind him (Mr. Bellerose). That hon. gentleman had asked whether under the second clause of this Bill it would not be possible for the Association to open schools in this country. He (Mr. Penny) thought anybody who read the second clause would see that it gave no such power; it had nothing to do with education or anything else in this country. There was nothing in the Bill so far as Canada was concerned, but power given to the Society to hold property. He quite agreed with the hon. gentleman from Kingston as to the impropriety of the very wide powers given in that respect.

Hon. Mr. BOTSFORD said he rose for the purpose of objecting to this Bill. They were year by year increasing their legislation in matters which, in his opinion, came within the jurisdiction of the local legislatures. This was a Bill that should have been passed through the local legislature, and he, for one, did not wish to encourage applications to this House for Acts which could be obtained through another source. This was the strongest objection which he had to the Bill. The decision of the Judges of the Supreme Court on the Bill of the Christian Brothers, which had been referred to in this debate, was short, and he would read it to show the reasons why the Judges considered that Bill came within the purview of the local legislature.

"In pursuance of the order of reference of your honorable House of the 4th day of April, 1876, we have considered the Bill intituled 'An Act to incorporate the Brothers of the Christian Schools in Canada,' and we are of opinion that it is a measure which falls within the class of subjects exclusively allotted to Provincial Legislatures under section 93 of the British North America Act."

Hon. Mr. GIRARD said he felt a great deal of uneasiness about assenting to the second reading of this Bill, because in the second reading the principle was admitted. It seemed to him there was no difference between this Bill and the Bill of the Christian Brothers that had been before this House two or three years

ago. If there was any difference it was in favor of the Bill of the Christian Brothers, who came before this House asking for an act of incorporation, their object being to disseminate education throughout the Dominion. The present Bill was not for the same purpose, though as it was for a praise-worthy object, it should be treated with the greatest liberality. But there was a principle of this House which they were bound to abide by. This Bill was merely a local affair, affecting only two Provinces in the Dominion—the Provinces of Ontario and Quebec. If the Association mentioned in the Bill, the Baptist Foreign Missionary Society of Ontario and Quebec, had now a legal existence, there was nothing else required. They existed for the spread of religious principles and education, and could employ as many persons in that way as they pleased. If something more was required—if they wanted an act of incorporation to permit them to employ other missionaries and teachers in other Provinces, they should go to the local legislatures for it. It seemed to him it would be more satisfactory to have the Bill submitted to the Supreme Court for the decision of the Judges, before it passed a second reading. If a motion to refer it to the Supreme Court were made, he would support it.

Hon. Mr. McMASTER said the Society had been under the necessity of acquiring property in India; that property had to be taken in the name of the missionaries. Hon. gentlemen were aware how uncertain life was in those countries, and when a missionary died with the title of the Society's lands invested in him, nothing could be done with it, but it had to remain locked up until the heirs came of age. It was to meet just such difficulties as this that the Act of incorporation was required.

Hon. Mr. AIKINS said he thought the exception of the hon. Member from Kingston was very well taken. To avoid the evil of those societies holding large amounts of real estate, a clause might be inserted, the same as the 6th clause of the Act passed in 1872, for the incorporation of the Wesleyan Missionary Society, by which the association might take devises, but to be subject to provincial laws. The clause was as follows:—

"The said Society shall be capable of taking, holding, and receiving any real or personal

*Hon. Mr. Bellerose.*

estate by virtue of any devise contained in any last will or testament of any person whatsoever, but the clear annual value of such real estate shall not exceed the sum of ten thousand dollars: Provided always that such devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations which are in force at the time of such devise in the Province in which such real estate is situate."

A clause of that kind would just meet the difficulty, and he had no doubt that the hon. gentleman who had charge of the Bill would be willing to accept an amendment of that kind.

The Bill was read the second time on division, and referred to committee.

The House adjourned at 4.40 p.m.

### THE SENATE.

Friday, Feb. 22nd.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### SENATORIAL APPOINTMENTS.

#### ENQUIRY.

Hon. Mr. CAMPBELL—An Address was passed by this House last Session, to which, apparently, no answer has been received from the Imperial Government. I allude to certain resolutions passed in this House relative to the intentions the Government once had to add to the numbers of the Senate. Those resolutions, asserting the opinion of this House, were, no doubt, transmitted to the Imperial Government by His Excellency the Governor-General, and acknowledged by the Colonial Office. Whatever the reply may have been, it should be submitted to the House.

Hon. Mr. SCOTT—The answer, in the shape of a despatch from Lord Carnarvon, was received some time ago by the Government, and will be brought down to-morrow.

### THE SENATE RESTAURANT.

#### MOTION TO APPOINT A COMMITTEE.

Hon. Mr. DICKSON moved that a committee consisting of Messrs.

Hon. Mr. Aikins.

Dickey, Miller, Leonard, Paquet, and the mover, be appointed for the management of the Senate Restaurant.—Carried.

### THE FORTNIGHTLY MAIL SERVICE TO HALIFAX.

#### ENQUIRY.

Hon. Mr. DICKEY enquired whether the Government intend to provide, by a grant in the Supplementary Estimates, for the dropped grant in the Estimates submitted to Parliament, for a fortnightly Steam Service between Halifax and Queenstown for the ensuing year? About this day a year ago, I felt it my duty to ask a question in terms almost identical with this, and upon that occasion I ventured to enter fully into the question connected with this fortnightly service. I was supported in that by the unanimous expression of opinion of the members from Nova Scotia, with the single exception of the hon. member then lately appointed from Halifax. The result was, I am happy to say, that the Government re-considered the matter and restored the subsidy in the supplementary estimates for the current year, which grant they have now again dropped from the estimates submitted to Parliament. The object of my question is to ascertain whether the Government intend, as I trust they do, to bring down an equivalent sum in the supplementary estimates to be submitted this Session. Two years ago—in the Session of 1876—I felt it my duty to urge upon the House and the Government the claims of Halifax as the great winter port of the Dominion. On that occasion, supported as I was by the general concurrence of the Maritime Members, I ventured to predict that the selection of that harbor as the winter port of the Dominion, after the opening of the Intercolonial Railway would accelerate the delivery of mails and passengers by some twelve to twenty-four hours, and necessarily attract a large quantity of freight and traffic over the Intercolonial. So strong were the representations on that point, that they elicited from the Government a promise that on the completion of the Intercolonial Railway, a few months afterwards, they would be prepared with a policy for the occasion. That promise

they redeemed, and I need hardly appeal to the members of this House, as I could with confidence, to say whether the anticipations then expressed have not been more than realized in the results that have followed the adoption of that policy. In all this, I desire to take no personal credit to myself individually, seeing I was simply discharging a public duty, but I think the Senate is entitled to the credit of having taken up this question and urged it upon the Government at a time when the representatives of Halifax did not think fit to raise their voices in another place on the subject. Having gone into this matter at length on a former occasion, I do not now propose to descant upon the position of Halifax and the importance of this fortnightly service, especially in relation to the communication between Halifax and Newfoundland, the Island of St. Pierre and the West Indies. But before I sit down, I would respectfully urge upon the Government, that they will again re-consider the position of this matter, that they will not take away from Halifax a privilege that has been enjoyed by them for nearly forty years, especially in the summer season, and that they will not deprive the Maritime Provinces of the benefits of this important service. I hope the Government will make a favorable response to this appeal; at the same time, if they can give us the assurance that this fortnightly service can be continued without a subsidy, I shall be quite satisfied, but, without that, I would again urge upon them not to let this subsidy be withdrawn, but see that this fortnightly service of nearly forty years' standing, so essential to the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, is continued, especially during the summer season, when the weekly steamers are withdrawn from Halifax.

Hon. Mr. KAULBACH—I am obliged to my hon. friend from Amherst for the forcible and convincing manner in which he has brought this question, on several occasions, before the Government and this House. It was only by seeing the notice on the paper that I learned this grant had been dropped. I cannot believe it is the intention of the Government to drop the subsidy, unless they are assured that the service will be performed without the grant (which I do not believe); or unless

*Hon. Mr. Dickey.*

it should now happen that Halifax, persuaded as it has lately been that this Government would not only continue the privileges enjoyed for nearly forty years, but would make it the winter port of the Dominion, not only for mails and passengers, but by encouragement of traffic over the Intercolonial, the freight depot for the whole Dominion. It is quite clear, from the manner in which the hon. Senator from Amherst brought this matter up—supported as he was on all occasions by the members from the Maritime Provinces with the one exception—induced the Government to continue the grant last year, and it is quite clear that the strong appeals made in the Senate as to the importance of this service, has forced itself upon not only the attention of this House, but upon business men everywhere. Since Halifax naturally must become the winter port of Canada—the wharf of the Dominion—we should, by all means, encourage and keep up the mail subsidy, especially since Halifax is the distributing point for the arrival and departure of mails between here, and England and Newfoundland, and St. Pierre and the West Indies. I trust that the Government, after the forcible manner in which the subject has been brought to the notice of the House, and the abundant proof of the benefit derived, will not allow the service to be discontinued, unless the opinion of the hon. Member for Halifax should now prevail with the Government to the great detriment of the public.

Hon. Mr. NORTHUP—I can only endorse what has been said by both of the hon. gentlemen who have spoken. I can assure the Government it is a matter of great importance, not only to the Maritime Provinces, but to the Dominion. I have no doubt, seeing the good this service has done in the past, it will be continued.

Hon. Mr. POWER—This is a matter about which I believe there is no difference of opinion among the members from the Maritime Provinces in this House, and I should not have thought it necessary to say a word on the subject at this time, if the hon. Senator from Amherst had not intimated, that last year all the members from the Maritime Provinces, except myself, had endorsed this action. I am sorry that the hon. gentleman should have made that exception, because I endorsed his action as cordially and

heartily as any other Member of the House at that time, but, unfortunately, being rather new to parliamentary life, in the course of the remarks which I made, I stated that I did not think the inconvenience with reference to the mails would be so great as was supposed, but that the inconvenience in other ways would be very great indeed. I believe that the disadvantage arising from the loss of the mail service would be considerable, and the loss in other ways, very serious. I understand that the Imperial Government have withdrawn their half of the subsidy; and if the Canadian Government do not feel in a position to double the amount they formerly paid, no company can be got to perform the entire service for less. I hope that the Government will make some arrangement by which the fortnightly service can be continued during the summer months, when the weekly mails are landed at Rimouski.

Hon. Mr. KAULBACH—I understood the hon. gentleman to say last Session that the inconvenience would not be felt in the loss of the mail service, but was confined principally to passengers and freight. Now, the only ground on which the Government could continue the subsidy is the accommodation which the mail service affords.

Hon. Mr. POWER—I shall read what I said upon this point last year. In the course of the first remarks which I addressed to the House I said: "The practical result, so far as the mails were concerned, would not, I think, be very serious." Afterwards, in explaining my view, I said that "I had not stated it would not be an inconvenience to have the mails withdrawn, but that it would not be a very serious one." I made a mistake last year in belittling the importance of the mail service, but it was not a very serious one, and one which I should have thought might have been overlooked.

Hon. Mr. SCOTT—The circumstances that existed at the time this joint subsidy from the Imperial and Canadian Governments to this fortnightly steamer was given, were entirely different from those which exist to-day. At that time it was a matter of importance that the mails for the Maritime Provinces should be sent in that way. It was then the most expedi-

Hon. Mr. Power.

tionous mode of delivering them at Halifax and other points in the Lower Provinces. Since then Halifax has been furnished with a weekly mail for nearly six months in the year. Of course it could not be contended that during that time there was any possible inconvenience. During the other portions of the year, when the steamers of the Allan Line come up the St. Lawrence, I am advised—and I think it was generally admitted last year—that the great bulk of the mails for the Maritime Provinces would go as quickly by the regular weekly service as by the fortnightly steamer, inasmuch as the mails could be landed at Rimouski and rapidly conveyed to all points East by rail. As was admitted in the debate last year, the Government would not be justified in keeping up the subsidy for any other reason than for the delivery of the mails. No doubt it would be an advantage to the Halifax merchants, if the fortnightly steamers, carrying freight, were subsidized by the Government, but that is not a principle which the Government can adopt. It was quite understood years ago, that the subsidy was to continue only to the opening of the Intercolonial Railway. The British Government frequently called attention to the fact, and as soon as that railway was completed they withdrew their aid. During the current year, if I am rightly informed, the steamer has only received \$7,500; that was paid by Canada, the British Government having, in June last—the end of the fiscal year—withdrawn their portion of it. In answer to the question put by the hon. Senator from Amherst, I may say I do not think it is probable that the subsidy will be continued during the next year.

Hon. Mr. DICKEY—Perhaps the Hon. the Secretary of State will allow me to correct him on a matter of fact, in which he seems to be strangely misled. His answer is given under the impression that the arrival and departure of the mails at Rimouski will accommodate the people of Nova Scotia and Prince Edward Island just as well as if delivered at Halifax, and he says he derived that impression from the debate last year. There may, possibly, have been some color for it by the solitary statement of the hon. Member from Halifax, but he has taken the opportunity to-day to correct that

impression, and has stated that he did not desire last year to convey any such meaning. But surely the hon. the Secretary of State must know that all the members from Nova Scotia distinctly stated that the fortnightly mail from Halifax, through the summer season was the great source of the delivery of letters to and from Europe with regard to Prince Edward Island and Nova Scotia. The business has got into a groove, and the people naturally send their fortnightly letters by the steamers that arrive and depart from Halifax. That is the state of the case, so my hon. friend will, I hope, correct the impression on his mind, for he labors under an entire mistake, when he supposes the Rimouski accommodation (of which I will not speak now, though I have heard it spoken of in most indignant terms by passengers who have used it,) will suit our people. I venture to think that the answer of the hon. Secretary of State will excite deep dissatisfaction in the Maritime Provinces.

Hon. Mr. SCOTT—I assumed that the weekly steamer must necessarily supersede the fortnightly service. It may or may not be the case that the mails are carried by the weekly steamers to Halifax as quickly as by the other line, but a great part of the mails from the Maritime Provinces must necessarily go by the weekly in preference to the fortnightly steamer. Surely a merchant of Halifax would not let the weekly steamer leave and keep his correspondence for the fortnightly steamer. As a matter of fact, I do not know what portion of the mails has gone by the weekly steamer, but I should imagine, from the nature of the service, that the great bulk of it would go that way. It could be ascertained by enquiry at the Post Office Department. However, the conclusion the Government came to was, that the facilities now existing, being a weekly service between Halifax and Europe in the summer, and a weekly service by way of Rimouski the rest of the year—would be more than an equivalent for the old system.

Hon. Mr. ODELL.—There is another question to which I would call attention. I believe there is a subsidy given to the fortnightly steamer by the Government of Newfoundland, and that steamer goes to Halifax to coal. Now, it seems to me

*Hon. Mr. Dickson.*

that by a very slight subsidy, in addition to that given by Newfoundland, the steamer would bring the mails to and from Halifax direct. Therefore, having those weekly steamers during the winter, the people, not only of Halifax, but of the Maritime Provinces, would be glad to have a fortnightly distribution of mails at Halifax, if it could be carried out by a small subsidy. If I am right in supposing that Newfoundland has given a subsidy for the fortnightly boat, it must be a distinct line from the weekly service.

The matter then dropped.

#### COMMITTEE ON BANKING, COMMERCE AND RAILWAYS.

##### MOTION TO ADD TO A COMMITTEE.

Hon. Mr. CAMPBELL moved “that the names of the Honorable Messieurs Hamilton (of Inkerman) and Trudel be added to the Committee on Banking, Commerce and Railways.” He said Mr. Hamilton was at the head of one of the largest banks in the country, and his experience in such matters would render him a valuable addition to the Committee. Hon. Mr. Trudel would also bring an amount of knowledge as regards the laws of Quebec that would be found to be very useful, and he did not suppose anybody would oppose the motion.

Hon. Mr. WARK said he did not rise to object to the motion of the hon. gentleman from Kingston, but he wished to call attention to the manner in which this committee had been increased of late years until it had become unwieldy. The Maritime division was entitled by law to an equal representation on this as well as on other committees. On analysing this committee it would be found that it had increased from fourteen members, as it was composed when the Senate first met, to forty, now. Of these forty, the Maritime Provinces had only eight representatives, while Ontario had eighteen. He called attention to this fact for the purpose of having a change made at the opening of the next Parliament. Hon. gentlemen would also observe that the Committee on Banking and Commerce and the Committee on Private Bills generally sat on the same day. They sat very frequently, and he thought it was desirable that the committees should be composed

of different members, as there was no use in placing the same gentlemen on both committees when they could only serve on one. The Committee on Printing should also have separate members from the others, as it sat on the same days as the Committees on Private Bills and Banking and Commerce.

Hon. Mr. AIKINS agreed with the hon. gentleman that the Maritime Provinces should be more largely represented than they were. He suggested that the hon. Mr. Northup should be added to the Committee, as he came from Nova Scotia, and was largely connected with the financial institutions of that Province.

Hon. Mr. BOTSFORD suggested that in future more consideration should be given to the composition of the important Committees mentioned. Members of one committee should not be members of another committee sitting on the same day. He had intended, when the hon. Secretary of State moved the committees, to call his attention to the great number of members composing the Committee on Banking and Commerce, who resided in Ontario.

Hon. Mr. MILLER—Hear, Hear !

Hon. Mr. BOTSFORD said he did not doubt at all the capacity or ability of the hon. gentlemen from Ontario ; he had no doubt they possessed greater experience in the conducting of banks in Ontario than they had in the Maritime Provinces. However, banks were established in the various Provinces, and it was legislation in which each part of the Dominion was equally interested, and the Maritime Provinces should be represented on that committee in fair proportion.

Hon. Mr. WILMOT said the statements of his hon. friend (Mr. Botsford) should carry great weight, but he thought there were other interests in this country that were concerned in this kind of legislation as well as the bankers themselves. He thought the whole public, and all branches of industry were interested in the system of banking that should be carried on.

Hon. Mr. WARK—And commerce ?

Hon. Mr. WILMOT—Yes, and commerce as well. He generally, found no matter what side of politics hon. gentlemen connected with banks were on, when banking was concerned they coalesced and

*Hon. Mr. Wark.*

looked with a single eye to the interests of those institutions.

Hon. Gentlemen—Hear, Hear.

Hon. Mr. WILMOT—Yes, it becomes a ring at once.

Hon. Gentlemen—Hear, Hear.

Hon. Mr. WILMOT said he believed that banking should be free. It was a great monopoly as it was at present, and he, for one, wished to limit that monopoly if he could. He considered the committee was too large, and that the Maritime Provinces had not a fair representation on it.

Hon. Mr. AIKINS said he had suggested the addition of Mr. Northup to it.

Hon. Mr. WILMOT said he did not object to any of the hon. gentlemen on the committee all he wanted was to see fair play.

Hon. Mr. DICKEY said he entirely concurred in the statement as to the unwieldy size of the committee, and that those gentlemen were looking after their own interests. The reason why the representation of Ontario was disproportionately large on the committee could be seen by glancing over the Bills which went before it. It would be found that nine-tenths of them were from that Province. He agreed that the committee ought to be reduced, but whether it should be the lot of the hon. Secretary of State to do that next year, or whether it should be a member of some other Government, would be a matter for history.

Hon. Mr. SCOTT—Hear, Hear.

Hon. Mr. MILLER said there was one view of this case that had been completely overlooked by the hon. gentlemen who had discussed it. He was not sure that by any complexion they might give the committee they could weaken the influence of the bankers, because they possessed a controlling influence in this House, and whenever they put their heads together, as they invariably did, no matter what side of politics they were on.

Hon. Mr. WILMOT—Hear, Hear.

Hon. Mr. MILLER—When they put their heads together you see my hon. friend from Toronto on this side, and my hon. friend from Toronto on the other side “shake hands over the bloody chasm” and join in protecting the interests of the banks.

Hon. Mr. SCOTT said no change had been made in the committee since 1874 except by the addition of any hon. gentleman whom the House desired should be placed on it. Next year whosoever duty it might be to arrange the committees might make a better subdivision of them.

The motion was amended by the addition of the name of Hon. Mr. Northup, and as so amended it was agreed to.

#### CHANGING A NOTICE OF MOTION.

Hon. Mr. CAMPBELL moved to have hon. Mr. Macpherson's notice of motion changed from Tuesday, as it was on the order paper, to Monday. He explained that Mr. Macpherson had gone to Toronto, and had asked him when the order came up to have it postponed until Monday. He (Mr. Campbell) had subsequently met Mr. Brown who had asked him to allow it to stand over until Tuesday. He had done so without consulting Mr. Macpherson, and that gentleman had since written to him that he wished to take up the question on Monday. He would now move to have the notice on the order paper changed for Monday.

Several hon. gentlemen objected to the change being made in the absence of hon. Mr. Brown, and hon. Mr. Campbell withdrew his motion.

The House adjourned at 4.30 p. m.

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#### THE SENATE.

*Monday, Feb. 25th.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

#### THE PROPOSED ADJOURNMENT.

##### MOTION TO RESCIND WITHDRAWN.

Hon. Mr. DICKEY said, before proceeding with the orders of the day, it might be more convenient to call the attention of the House to the notice under his name to rescind the motion for the adjournment which had been agreed to last Friday. Considering that the mem-

*Hon. Mr. Scott,*

bers of the Government in this Chamber had voted against the resolution which he proposed to rescind, it was unfortunate, to say the least of it, that they had not been a little more ingenuous, and told the House the reasons why they opposed it. They would have relieved a great many hon. members in the course then taken, who would have been guided by a decided announcement from the Government. It was not the part of a private member to interfere with the course of parliamentary business, and assume the responsibility which properly belonged to hon. gentlemen on the Treasury benches, who generally lead the business of the House; and it was only in order to give the Government an opportunity of taking that responsibility that he gave the notice to rescind the resolution, which, on the face of it, appeared to be somewhat an interference with the legitimate parliamentary functions of the Government. As regards himself, individually, he had no desire to be in any way a party to a dog-in-the-manger policy; and under the circumstances, the House would assume that he was taking the correct course when he desired to relieve himself of that responsibility, and throw it upon the Government. He, therefore, asked the Government if they would be kind enough to inform the House whether there was a prospect of any pressing business such as to make it indispensable for the House to remain in session, and on the answer which the House received would depend the course which he would pursue. Having said that much, he wished to relieve himself of the responsibility of the resolution, and to throw upon the Government the duty of informing the House whether the adjournment would interfere with public business.

Hon. Mr. BELLEROSE said, when he moved his resolution last week, it was done without consulting the Government. This was his 24th or 25th Session in Parliament, and he had seen his friends on the Treasury benches, as well as his opponents. It had been customary for both parties, when in power, to leave it to the House to decide whether they would take an adjournment or not. He did not think it was reasonable to throw on the present Government a responsibility which his own friends had not taken in years past. He had taken the responsi-

bility upon himself to act towards the public as an honest man should. It was well known that the principal business of the Upper House was to deal with measures coming from the Lower Chamber, and, consequently, for the first two or three weeks of the Session, there was very little to be done. It was, therefore, customary for the Senate to adjourn for a week or so early in the Session. In his opinion it would be better for this House to decide that in future, after voting the Address, they should take two or three weeks' recess until the Commons would have prepared work for them to do. He did not propose that this course should be pursued, because there was the objection to which he had referred last Friday, that certain members who could not reach their homes during the recess, would feel the time long unless the majority of the House remained with them, but his opinion was, as he had stated, that there was no necessity for the House to remain in session after voting the Address, for two or three weeks at all events. It had always been the custom for the Government to oppose it, and he would have been surprised had the hon. gentlemen on the Treasury benches taken a different course. But even if the hon. Secretary of State were to rise in his place and say there was work for four hours every day, he (Mr. Bellerose) would reply at once that the statement was incorrect, because it was impossible that there could be so much work in the early part of the Session, and there was no use in trying to throw such a responsibility on the Government. He did not desire the public at large to believe that the House was working when it was not, and it would be only hypocrisy to do so. This House could get through the work of the Session much sooner than the Commons, and the reason was quite obvious. In a body consisting of only eighty members, work could be done much quicker than in one consisting of over two hundred, especially when the latter were speaking to the public, and desired to have their views reported to the country before the elections. He could not say that he was a good judge of English precedent, but if his memory was correct a motion of this kind ought not to be re-considered except under extraordinary circumstances, and this was not an extraordinary circum-

*Hon. Mr. Bellerose.*

stance. Even as a matter of courtesy the notice ought not to have been given. He (Mr. Bellerose) understood perfectly well the allusion that had been made to the Province of Quebec. He would advise the hon. gentleman (Mr. Dickey) to let that Province alone. It had never come to this Parliament to ask for better terms or money. He (Mr. Bellerose) might tell the House that it was not on his own account that he had made this motion for adjournment for he had just arrived from home, but there were others on both sides in whose interest he had done so, who might have a feeling of delicacy in moving it themselves, and he believed the members of this House should show courtesy to one another. He hoped that this would be the last time he would have to speak on such a subject as this.

Hon. Mr. CAMPBELL—What do the Ministry say ?

Hon. Mr. SCOTT—My hon. colleague and myself have nothing more to say than we stated last Friday. Neither this Government, nor any former Government had ever assumed the responsibility of an adjournment. As we are frequently told by hon. gentlemen opposite the Government do not control this Chamber, and it would be idle for us to oppose the wish of the House.

Hon. Mr. CAMPBELL—The question is the public business.

Hon. Mr. SCOTT—I also said I was not aware it would embarrass any public business coming before this House. I thought that was a very fair and full exposition from the Government. In addition I was asked by some hon. gentlemen if any bills were coming immediately before us, I said I did not think there were. I was further asked if there were any Bills to be introduced ; I said I thought there would be one or two, but the week's delay would not seriously embarrass us.

Hon. Mr. BELLEROSE—That is exactly what the hon. gentleman said.

Hon. Mr. DICKEY, said he understood the hon. Secretary of State to intimate to the House last Friday, that it was probable there might be measures to be initiated in this House. There was no doubt that was the meaning conveyed : at the same he was very happy to hear the statement that had just been made, and considering

the situation in which he was placed, he thought that the House would agree that he was taking the most convenient course, after hearing the explanations of the hon. Secretary of State, in stating that he would not bring on his motion to-morrow.

The order was discharged.

### SMALL-POX IN KEEWATIN.

#### MOTION FOR PAPERS.

Hon. Mr. GIRARD moved:—

“That an humble Address be presented to His Excellency the Governor-General, praying that he will be pleased to lay before this House, copies of all correspondence between the Government of Canada, the Council of Keewatin, and the Government of Manitoba, in reference to the Small-Pox disease, prevailing during last spring amongst the Icelanders, with all claims and accounts paid and unpaid relating to that matter.”

He continued—So much has been said in reference to this matter, that the public need some explanations, and this is why I make this motion. During last spring that dreadful disease—small-pox—appeared in the Icelandic Settlement, west of Lake Winnipeg, and also among the Indians. The Icelanders had been settled there only a few months before, and, after their long journey by sea and land, they were quite unprepared for this fearful scourge which appeared amongst them. The Lieut.-Governor of the Province of Manitoba, who was, at the same time, *ex-officio* Governor of the Territory of Keewatin, was authorized to organize a Board of Health. He did so, the Board being composed of a certain number of gentlemen who were there not only as ordinary health-officers, but as executive councillors of the Council of Keewatin. The measures which they took were most effectual, and, at all events, prevented the spread of the dreadful disease into Manitoba. It was found necessary to establish a quarantine, and, as can be readily understood, considerable expense was incurred. I regret to say that difficulties have arisen as to the settlement of this expense, and I believe at this moment, a considerable portion of it remains unpaid. What I am now looking for is the settlement of the portion pertaining to the Province of Manitoba. When we consider how small its revenue is, and how much is required for the improvement and construction of highways

Hon. Mr. Dickey,

which are absolutely needed by the people, and when we consider, also, that all this expense was due to causes outside of Manitoba, I think we should not be called upon to pay any portion of it. The Province was obliged, it is true, to protect itself, but the disease originated and raged in the Territory of Keewatin, which was under the rule of the Dominion Government. The whole of the expense should, therefore, have been met by the Government of Canada. I understand that the correspondence is very large, and as I only wish to ascertain what proportion of the expense the Government of Manitoba can be forced to pay, I would be satisfied to receive such information as bears upon that point. That is the correspondence in which the people that I represent are interested.

Hon. Mr. PELLETIER—There certainly cannot be any objection to bringing down the papers asked for by the hon. Senator. It seems to be only a question of expense. The correspondence, claims and accounts asked for are very voluminous, and I am sure it would take one clerk three months to copy them. All the accounts have been carefully examined at Winnipeg by a Committee composed of the Hon'bles Mr. Norquay and Mr. Begg, on behalf of the Government of the Province of Manitoba, and Messrs. McCall and Graham on the part of the Dominion of Canada. The Committee have reduced the claims where it was possible to do so, and have agreed upon the distribution of the whole amount to be paid—\$25,000—between the Government of Keewatin and that of Manitoba. The hon. gentleman makes a remark that the whole expense should have been paid by the Dominion Government. I am sure he will be satisfied when he sees that the Dominion Government paid the lion's share—that out of \$25,000 the Government of Keewatin (that is the Dominion Government) paid \$20,000, and only \$5,000 was charged to the Government of Manitoba. As I said before, the correspondence is so voluminous that it would entail considerable expense to have it all copied. I may inform the hon. gentleman that the Minister of the Interior will give him access to all the papers, and will have any documents that he wants copied. With these explanations, I hope the hon. gentleman will not insist upon his motion.

Hon. Mr. GIRARD—I have no desire to create any expense that can be avoided. I look at the matter as a very important one, and I must acknowledge the courtesy of the hon. the Minister who offers to furnish any correspondence that is required. I beg leave to withdraw the motion.

The motion was withdrawn.

## THE PACIFIC RAILWAY ROUTE.

### MOTION TO RE-APPOINT THE SPECIAL COMMITTEE.

Hon. Mr. GIRARD moved :—

“That the entry in the Journals of this House of the 27th of April, 1877, relating to the Report of the Select Committee, authorized, amongst other matters, to examine into all the questions relating to the purchase of the property at Fort William for a terminus of the Canadian Pacific Railway, and to send for persons, papers and records, and to examine witness under oath, be now read.”

The motion was agreed to and the entry was accordingly read.

Hon. Mr. GIRARD moved :—

“That the Minutes of the Evidence taken before the Select Committee appointed in the last Session of Parliament, to inquire, amongst other matters, into all the questions relating to the purchase of the property at Fort William for a terminus to the Canadian Pacific Railway, and to send for persons, papers and records, and to examine witness under oath, which were presented on the 27th of April last with the Report of the said Committee, be referred to a Select Committee composed of the Honorable Messieurs Scott Aikins, Sutherland, Macpherson, Simpson, Wilmot, Haythorne, Vidal, and the mover, to continue the investigation and to inquire into all the questions relating to the purchase of the property at Fort William, for a terminus to the Canadian Pacific Railway, and to send for persons, papers and records, and to examine witnesses under oath, and to report thereon with all convenient speed this Session.”

The motion was agreed to.

The House adjourned at 4 p.m.

## THE SENATE.

Tuesday, Feb. 26th, 1878.

The SPEAKER took the chair at 3 p.m.

After routine proceedings.

Hon. Mr. Girard.

## FORT FRANCIS LOCK.

### MOTION FOR THE APPOINTMENT OF A COMMITTEE.

Hon. Mr. MACPHERSON moved, seconded by Honorable Mr. Campbell :—

“That a Select Committee composed of the Honorable Messieurs Scott, Campbell, Brown, Botsford, Haythorne, Macfarlane and the mover, be appointed to inquire :—

“1st. Whether the Fort Francis Lock when completed can be used for the purposes of commerce, in connection with the Canadian Pacific Railway, so as to form part of the through communication from Lake Superior to Manitoba, and if not, what improvements will be indispensable (in addition to the said Fort Francis Lock) to afford unbroken communication for Steamers between the Railway Stations of Port Savanne (Lac des Mille Lacs) and Keewatin (Rat Portage) and the probable cost of such improvements ?

“2nd. What will be the use to the Dominion of the said Fort Francis Lock if it cannot be used for the purposes of commerce, in connection with the Canada Pacific Railway, so as to form part of the said through communication.

“3rd. What is the distance between the said Lock and the point nearest to it on the Canadian Pacific Railway ?

“4th. What are the dimensions of the said Lock, its estimated and probable cost, the amount expended upon it and upon works connected with it, or in any way incidental to it, so far as is known ; the appropriation from which the money expended upon it has been taken ; whether such application of the money has been in all cases according to law, and whether the said Lock is being built by contract or otherwise.

“5th. And generally to inquire into all matters relating to the Fort Francis Lock, with power to send for persons and papers, to examine witnesses under oath, to employ a shorthand writer to take down the evidence, and to report from time to time to this Honorable House.”

He said :—The impression throughout the country is that the expenditure on the Fort Francis Lock is not a useful expenditure, and it is a very large one. I therefore think it deserves the attention of this House, and that a Committee should be appointed to inquire into the whole matter. That is the object of my motion. The expenditure has been continued after it has become the general opinion that the work cannot be utilized for the purpose for which it was intended, that is, forming the connecting link between the Eastern and Western ends of the Canadian Pacific Railway, between Lake Superior and the Red River. The

expenditure on the Fort Francis Lock, so far as the Public Accounts afford information, amounts to \$163,662. That was it up to the 30th of June last: since then there has been six months of expenditure, the amount of which is not before us. I may safely say, however, that the expenditure on that work—for I visited it last summer and saw what was being done—cannot have been less than \$8,000 per month, or in round figures \$100,000 per year. If it does not exceed that I shall be very much surprised. When an expenditure is going on, especially for a purpose, which to the public mind is not clearly of public utility, I think, at any time, it is the duty of this House to enquire into it; and in the present state of the finances of the country, it is doubly a duty to make such an enquiry. I have searched the Debates of Parliament for information on this question, and the first mention of the Fort Francis Lock that I find is in the House of Commons *Hansard* 1875, folio 508, and again at folios 1073 and 1074. I shall read what is there said on the subject, by the Hon. Mr. Mackenzie, the Commissioner of Public Works and Prime Minister:—

“The entire distance from Red River to Lake Superior is in round numbers 430 miles by the Dawson route. Of this we have surveyed and located a line and asked for tenders for 155 or 160 miles. This leaves a distance between the two points of 270 miles. Of that distance we will be able by constructing two cheap wooden locks at Fort Francis, to obtain from Rat Portage uninterrupted steam navigation for a distance of nearly 200 miles to Sturgeon Falls at the east end of Rainy Lake. From this point eastward towards Lake Shebandowan, although there is a continuous water navigation with a number of small portages, still the country is, on the whole, favorable. \* \* \* \* We hope within two years, or two and a half at the outside, that we will have a railway finished at the eastern and western ends and with these and the locks at Fort Francis, we expect that the distance altogether may be traversed in four or five days at the outside, that now takes on the average from nine to twelve days.”

Now, hon. gentlemen, it is quite evident from the passage I have read, that the intention of the Government was to use the water stretches by way of Fort Francis, between Sturgeon Falls and Rat Portage. If that could have been done, I should have been very glad to have seen it carried out, and thus have postponed the construction of the railway between

*Hon. Mr. Macpherson,*

those two points for years to come, as the Minister of Public Works himself appears to have intended and expected. On the third of April, 1875, Mr. Mackenzie moved:—

“That the House do now ratify the contract entered into with Messrs. Sitton & Ward for the construction of the Pacific Railway extending from Fort William to Lake Shebandowan, a distance of about 45 miles, \* \* \* \* They obtained the advantage of that chain of water communication for a distance of 246 miles, after some slight improvements were carried out at Fort Francis which were provided for in the estimates. By these a means of communication would be established which would suffice for some years to come.”

These passages and all that the Minister of Public Works said then on the subject showed that he expected to use about 200 miles of water communication, to connect the Eastern and Western ends of the Canadian Pacific Railway, between Lake Superior and Red River. The next reference to the Fort Francis Lock I find in a return to Parliament, dated fifth of April, 1877. The first letter or memo. in that return is from Mr. Brauu, Secretary of the Department of Public Works, saying that the report of Mr. S. Hazlewood the engineer, giving an estimate of the cost of the works, had been mislaid, and that Mr. Hazlewood had been written to for a copy of it.

The estimate is not here and I have not seen it. The next letter dated 11th May 1875, is indeed a strange one. It is from the Secretary of the Public Works Department, to Mr. Hugh Sutherland, of Orillia, putting him in full charge of the works, but subject, so far as engineering was concerned, to Mr. Hazlewood. The following is an extract.

May 11th, 1875.

“SIR,—Referring to your letter of the 1st instant relative to the construction of the proposed locks on Rainy River, at Fort Francis, I am to state that you will have entire charge of the working parties, but in engineering matters will be subjected to the general directions of Mr. Hazlewood, or his assistants who may be detailed for that purpose. \* \* \* \* \*

“On reaching Fort Francis you will see Mr. Mortimer, Resident Engineer, who will be at once instructed to take soundings with a view to determine the exact points at which it would be most desirable to construct the canal locks at each, and you will then as speedily as possible ascertain the nature of the rock and the depth of various points, so that Mr. Mortimer can make a section.

"When this preliminary work has been accomplished, you will both report to the Department, when more exact instructions will be given. Pending the arrival from Ottawa of such instructions you will proceed with the excavations first of the whole of the earth-work, and afterwards of such portions of the work as must necessarily be taken out."

Now, hon. gentlemen, I think we ought to know how the work was originally determined upon, and what the reasons were which induced the Minister of Public Works to proceed with it. The first communication before the House is one addressed to Mr. Hugh Sutherland, telling him to proceed with the work, and referring to a letter which we have not before us. It may be that the idea of the work originated with Mr. Hugh Sutherland, and we ought to have his letter before the House. The next letter in the return is from Mr. Mortimer, an Engineer, dated

"Fort Francis Railway Route, July 5th, 1875.

"The work of soundings on the various lakes along the railway was completed; regarding it I have to state, that to bring—

The name of the Lake is left blank in the return, but it must be Lac des Mille Lacs.

"To the level of Lake Shebandowan would lay bare about three-quarters of the bottom of the former, also a large portion of Kashabowie and Baie Lakes would be similarly effected; in fact I may say that the plan is impracticable, except under enormous expenses far exceeding what twice the amount of railroad would cost

"I also ran the line from French Portage to Lake Shebandowan inland, keeping the lowest possible ground: the general average of this line lies from fifty to one hundred feet above the level of Shebandowan, and although it is admirably suited for railway purposes, its height above the water precludes it from ever being available for a canal."

That shows that the plans of the Government at the time were altogether undetermined, and indefinite. I am not surprised that it was so, because they do not appear to have had before them the information necessary to lead them to a proper conclusion, but, while in that position, they proceeded with the construction of the Lock at Fort Francis. They seem to have come to the conclusion without information, that communication would be possible along these water stretches, and it might have been if they had adhered to their first plan, which was to build the Railway by way of Shebandowan to Sturgeon Falls, an arm of Rainy Lake.

*Hon. Mr. Macpherson.*

It might have been more costly than they expected, but it would have been practicable from Sturgeon Falls to Rat Portage, a distance of 200 hundred miles. But it is, I fear, altogether impossible to make such communication from Lac des Mille Lacs to Rainy Lake, and so on to Rat Portage. The information before me leads me to believe that the Government proceeded with the works at Fort Francis before they had sufficient information to guide them; and that the expenditure incurred there will be of no use to the public. Mr. Sutherland addressed the hon. the Minister of Public Works from Ottawa on July 16th, 1875, on the subject of the work at Fort Francis. Now, I am not aware that Mr. Sutherland is an Engineer. I believe he is not, but these are the terms in which he writes. He says:—

"I herewith transmit Ground Plan and cross sections of the location of proposed locks with a necessary measurements marked thereon.

"Two combined locks will be required, about 200 feet in length each, over all, and 40 feet in width inside of chambers, with a total lift of 23 feet 4 inches.

"The earthworks on top of rock, will average about eight or nine feet in depth, and consist of red and blue clay; the balance of the cutting will be solid grey granite rock.

"The total depth of the cut in upper lock will be about thirty-three feet (33) and in the lower lock forty-four feet (44) 8 inches, which will admit of seven feet nitre sills in low water. There will be about 9,000 yards of earth work and 14,000 yards rock."

The work seems to have been ordered and proceeded with, without plan or estimates from a competent engineer. Mr. Sutherland also sends to the Government a statement of payments made by him for wages. He simply gives the amount paid, but does not state the rate of wages so far as I have seen. On the 24th, July 1875 Mr. Ennis, for the Secretary of the Department of Public Works, writes to Mr. Sutherland to say that full instructions have been sent to Mr. Hazlewood and,

"The Department likewise considers it necessary that he should examine the site proposed for the Canal; together with what works are necessary to control the rapids a mile and a half above the falls, and what works are necessary immediately at the head of the falls to do away with the danger of vessels being carried by the current over the falls themselves.

"These instructions necessarily include the re-examination of the line recommended by yourself and Mr. Mortimer, and should Mr. Hazlewood conceive it necessary to make any

"change in the location, you will defer to his opinions and carry on the work on the amended line he may trace out, should he conceive that course to be necessary."

I think it will strike hon. gentlemen that a great deal was being done hastily, that the work was being proceeded with prematurely, and before the Government had really any information, much less the designs and plans necessary for the building of the lock, and the information necessary with respect to the depth of water both above and below the proposed work. The Government seemed to have felt this, for, on the 24th July, Mr. Braun, Secretary of the Department of Public Works, writes to Mr. Hazlewood saying :—

"The Department finds these documents insufficient for any approval of the recommendations made to be placed on record.

"It is proper here to inform you that the Honorable the Minister has given instructions for the Canal in question to connect the waters of Rainy Lake with Rainy River, at Fort Francis, to be at once commenced. The difference of level is represented to be over 23 feet. Accordingly, I am instructed to request that at as early a date as practicable, you will proceed to Fort Francis and examine into the points embraced in this proposition.

"The proposed size of the locks are 200 feet by forty in the chamber, with seven feet on the sills. \* \* \* \* \*

"You are required to make a design for the Canal in question, comprising the number of locks, their position and their structure. You will report the amount of excavation, both of earth and rock; further, the facilities of obtaining clay for puddling, the localities where timber can be obtained on Rainy Lake, where it is reported a supply can be had without difficulty.

"The Department likewise require a series of soundings above and below the site of the Canal to relative deep water, so that a correct view can be formed of the facilities of egress and ingress. No report on this subject has yet been made, and I am requested to direct you to have this branch of the examination fully and efficiently carried out. You will require to plot this work to the scale of 100 feet to an inch, and it must embrace all the information desirable to obtain."

On the same day, Mr. Ennis for the Secretary of the Department also wrote to Mr. Hazlewood a letter from which I make the following extracts :—

"Sir,—I am instructed to notify you that in connection with the instructions which have been given you to examine and report upon a canal proposed to be constructed at Fort Francis between Rainy Lake and Rainy River, that Mr. Sutherland has been sent by this Department to organize working parties and to commence operations.

"You will observe in the copy of the instructions to Mr. Hugh Sutherland, as per  
*Hon. Mr. Macpherson.*

"margin, which has been forwarded to you that while Mr. Sutherland has been placed in charge of all working operations he is instructed to refer to you for engineering instructions.

\* \* \* \* \*

"As the site where Mr. Sutherland will commence his excavation has been recommended by Mr. Mortimer equally as by himself, there is a fair reason to look forward to the line selected by them being approved by yourself.

"In this view, the Department has authorized the commencement of the work. At the same time it is desirous that this branch of your examination should at once be made thoroughly to establish the fact, whether or no the labors of Mr. Sutherland are in the right direction, and I have to ask you to report specially upon this matter, so soon as you can possibly do so."

It seems an extraordinary thing that the Government should have proceeded with such a work in the absence of full information. The lock, according to Mr. Hazlewood's plan, was to have seven feet of water on the mitre sills, at the lowest water. In summer time the depth of water in the river is only from 3½ to 4½ feet in some places. In a letter from Mr. Hazlewood to the Minister of Public Works, dated August, he approves of the location made by Mr. Mortimer, and the work seems to have been proceeded with, but suddenly, on the 19th November, 1875, Mr. Braun telegraphs to Mr. Sutherland as follows :—

19th November, 1875.

"Close all Canal works at Fort Francis. Suspend all proceedings. Confer with Mr. Rowan on subject. Acknowledge receipt of this.

(Signed) F. BRAUN,  
H. SUTHERLAND,  
Winnipeg. Secretary."

There must have been an error in the date of Mr. Sutherland's reply, because it is dated November 2nd, 1875. I presume it was intended for 2nd December, and probably Ottawa was written for Orillia.

"OTTAWA, November 2nd, 1875.

"Complied with instructions relative to suspending works at Fort Francis. Have you any instructions for Fort Pelly ?

(Signed) HUGH SUTHERLAND,  
Secretary Department Public Works.

I shall next refer to a speech delivered by the hon. the Minister of Public Works in the House of Commons, on the 6th March, 1876. It was in a debate on the Dawson Route. In reply to gentlemen on the other side of the House, he said :—

“The Government simply proposed while the road was being constructed to utilize a large portion of the water communication available for the passage of boats; as for instance where the road touched, as it would according to the survey now nearly completed, the north-east angle of Lac des Mille Lacs, they would have continued navigation, with some portages doubtless, to the north-west end of the Lake of the Woods; and until the line was finished between the Lac des Mille Lacs and the west side of Winnipeg River, they could use this navigation as long as it was required. If they found it impossible from the circumstances of the country to continue the building of the road between these two points for some years to come, they would have some 64 miles of railway from Lake Superior to the north-east corner of the Lac des Mille Lacs, similar communication being opened between Red River and Rat Portage from the western extremity, so that they would be enabled to bring the two ends of the Province within comparatively short distances of each other. He did not expect that it would be possible for the Government—even though Parliament could furnish the money required—to construct the intermediate portion within less than four or five years, and it was very important indeed that they should avail themselves of almost continued water navigation between two and three hundred miles during that period.”

By that time the Government had, apparently, abandoned the route between Shebandowan and Sturgeon Falls. From Sturgeon Falls, on an arm of Rainy Lake, when the improvements at Fort Francis and at the shoals above and below it had been completed, there would have been water communication for upwards of two hundred miles to Rat Portage. But in March, 1876, that route had been abandoned, and the northern location of the railway had been adopted, carrying it north of Lac des Mille Lacs, and so on by what we understand to be the present location. That, I believe, rendered it impossible to use these water stretches, because Lac des Mille Lacs is 400 feet above the level of Rainy Lake, and above the level of Fort Francis Lock. On the 31st of March, 1876, the Pacific Railway was the subject of debate in another place. On that occasion the Prime Minister said:—

“The line we have adopted now from Fort William will ascend the Kaministiquia Valley for about 20 miles, in round numbers. Then diverging somewhat sharply to the right, and touching the north-east corner of Lac des Mille Lacs.”

This confirms what I have already explained that the route by Shebandowan and Sturgeon Falls had then been aban-

doned and the northern route had been adopted, rendering it impossible, I believe, to make any use whatever of the water stretches as a connecting link between the eastern end of the Red River section and the western end of the Lake Superior section of the railway. The Premier further stated:—

“The thirteenth contract was to build 45 miles towards Lake Shebandowan, it being supposed that this would be the shortest route westward; but the explorations made show that it would have to wend northward, and we decided to stop short of it about 15 miles. From that point westward the road, passing by Lac des Mille Lacs, would become the subject of a new contract.”

The speech from which I have just read extracts was delivered on the 31st of March, 1876. Parliament was prorogued on the 12th of April. At this time, I would remind the House that the work at Fort Francis had been suspended under instructions from the Minister of Public Works, from the 19th November, 1875, but a week after the prorogation of Parliament the works were ordered to be resumed. Now, I think that is a point on which we require some information. There was nothing said in the House of Commons that I can find on the subject of the Fort Francis Lock, or proceeding with its construction that year. The works were suspended while Parliament was sitting, and remained suspended until after the prorogation. On the 18th of April instructions were given by the Secretary of the Public Works Department to Mr. Sutherland to resume work. I think the country ought to know why the works were resumed then. If I am at all correct, it must have been well known to every gentleman connected with the Public Works, that it would be utterly impossible to use this lock in connection with the Canadian Pacific Railway, and if that is the fact why was the work resumed and proceeded with? It may be that the Government will be able to show that the lock will be of public service irrespective of the Canadian Pacific Railway. I confess I do not think this can be shown, but it is a matter for enquiry. It strikes me as being rather remarkable that the work should have remained suspended from November to April without anything being said about it so far as I can discover, and then that instructions should

have been suddenly issued to Mr. Sutherland to resume the work. Mr. Sutherland was at Ottawa at the time, and he acknowledged the receipt of the letter on the very day the letter bears date. He acknowledged the instructions to proceed and made a requisition for funds and he at once got authority to purchase supplies to the amount of \$20,000, and also a credit for \$15,000 to pay wages etc. In August it seems to have struck the Government that it would be desirable to have fuller information, and the Secretary of the Department of Public Works wrote to Mr. Baillairge, one of the engineers as follows :—

August 3, 1876.

“SIR,—I am directed by the Honourable the Minister to request you to proceed at your earliest convenience to Fort Francis, where a lock is being constructed to connect the waters of Rainy Lake with those of Rainy River, under the superintendence of W. H. Thompson, according to a plan which was prepared from somewhat limited information. You will be pleased to see that the work is being judiciously carried out and give such directions as you may deem advisable for its proper execution.

I have the honor to be, sir,

Your obedient servant,

(Signed) F. BRAUN,  
Secretary.

G. F. BAILLAIRGE, Esq.,  
Asst. Chief Engineer. P. W., Ottawa.”

In reply to this request Mr. Baillairge, made a long report which I moved for last session and it was submitted to this House. I will not take up the time of hon. gentlemen in going over it again, but it showed that there were great obstacles in the river both above and below the lock. The lock was to be 200 feet in length, 36 feet in width and seven feet in depth on the lower mitre sill. I might have said, when I was alluding to the fact that the Minister of Public Works had stated in 1875 that it was proposed to construct two cheap wooden locks, that if the hon. gentleman had proper information before him with respect to that country he would not have spoken of wooden locks. The lock now building has to be excavated out of solid granite. The lock as it was originally laid out, was to have seven feet of water on the lower mitre sill at the lowest summer water. But, hon. gentlemen, the reports of the engineer show that the depth of the water in the river is very much less than that, and the Government last summer, I be-

*Hon. Mr. Macpherson.*

lieve—there is no information on the subject in the report of the Minister of Public Works, but I heard it on the spot—that the Government had resolved to reduce the depth of water in the lock to  $4\frac{1}{2}$  feet. Just think of the proportions of a lock 200 feet long with a depth of only  $4\frac{1}{2}$  feet? Could there be better proof that the work had been commenced without anything like sufficient information?

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—I think, hon. gentlemen, that I have established enough to justify the Senate in naming a committee to enquire into this matter. I think I have proved that the Fort Francis Lock was entered upon without adequate information, and that I have also shewn that the water stretches cannot be made to serve as a connecting link between the eastern and western sections of the Pacific Railway. I shall submit further proof on the latter point from the Commons *Hansard*. Mr. Kirkpatrick on the 21st of February, 1877, moved for returns in respect to Fort Francis Lock, and in the course of his speech said :—

“The utility of the work is also questionable, even in relation to the Pacific Railway, and, as the Thunder Bay Branch, passing about 100 miles to the North of Fort Francis, is to be the all-rail route, I ask for what purpose are we to expend money in this connection? The expenditure in question is charged to the Pacific Railway, with which it has no more to do than has the Welland Canal. Two seasons, those of 1875 and 1876, have moreover been spent on it, and one-fifth of the work is done. At this rate, I leave it to the hon. member to judge how long it will take to finish it, without alluding to the improvements mentioned. Mr. Baillairge states that the canal can only be used for four or five months during the year, and are we to spend an unknown quantity of money, in order that for a few months a few barges and tugs may pass through it? When we are to have an all rail route, what is the use of improving magnificent water stretches in addition? I think it is time for the Minister of Public Works to tell us that this work is to be abandoned and no further money spent on it. If the motion is allowed to pass, it will enable the House to judge of the ultimate cost of the undertaking, and the utility which it is likely to accomplish.

To this Mr. Mackenzie replied as follows :—

“There is no objection whatever, sir, to the motion of the hon. gentleman, but before it is put, allow me to correct some inaccuracies into which he has fallen. He says, sir, that I announced to the House that I would abandon the route by Lake Shebandowan, but it

“ is not abandoned. It is deflected, as the hon. gentleman said, a little to the north in order to obtain a better route. It touches at present west of the Lac des Mille Lacs, or rather the Kaministiquia River at a navigable point, a little beyond which the latter falls into the Lake. From that point there is almost continuous navigation with a few short portages on the way to Rat Portage, the crossing place of the Pacific Railway on Winnipeg River, with only one great obstacle, which could not be overcome in any other way than by constructing a lock at Fort Francis. There are, as I stated roughly last night, two hundred and twenty-eight miles under contract between Lake Superior and Red River, of which one hundred and sixteen miles lie at the east end or westward from Fort William: at about seventy miles from thence we reach a point east of Lac des Mille Lacs, thereby coming into the best navigable system at a place much further west than would have been obtainable if the first contemplated line had been followed out. Those who choose to look at the map will observe that the first line which we hoped to take, went almost in a straight line from Kaministiquia to a place called Sturgeon Falls, this being at the head of a long arm of Rainy Lake stretching north-eastward. That route was found to be not exactly impracticable, but expensive. The line, as the hon. gentleman says, was carried further to the northward, but two-thirds of that, country, perhaps consists of water, and in the vicinity of Rainy Lake, the country to the north, in particular, is intersected by deep, wide channels, which reach either the exact vicinity of the railway or very near it, between Rat Portage, the crossing of the Winnipeg River, and the end of the eastern contract, a distance of one hundred and eight miles—what we may call the Central District of that region. No matter with what speed the road may be prosecuted, that part cannot be completed within four or five years; and, in the meantime, if this lock is finished, as I am informed it will be during the coming season, we will be able to send our steamers to Rat Portage, and to the eastern end of Rainy Lake during the season after next, and from that point to Lac des Mille Lacs is a comparatively short distance, so that in a few years we will be able to avail ourselves of these most magnificent water stretches connecting the two points which the railway would touch east and west.”

All that took place in the debate on that occasion showed that it was the understanding of the House that, by the construction of the locks at Fort Francis, and a very little additional expense there would be unbroken water communication from Port Savanne at the north east end of Lac des Mille Lacs through to Rat Portage. In the same debate Mr. Casey said:—

“ He understood the hon. Minister of Public Works to say, that the route would be used to furnish rails from Port Savanne to the other end of the road.”

*Hon. Mr. Mulpherson.*

The rails is one of the most serious elements in this question. There is no doubt in my mind that the Minister of Public Works believed at one time, that he could utilize these water stretches for the transport of rails and heavy freight required for the building of the railway. He could not have been then aware of the full consequences of the adoption of the northern location or route; he could not have been aware that it would cut him off absolutely and completely from using the water stretches. Another evidence of this fact, to my mind is, that had he not believed that he could have connected from the western end of the Lake Superior section with the western section at Rat Portage through the water stretches, he would not have commenced to build the latter section as it will be of no use until the all rail road is opened through, from Rat Portage to Lake Superior. If that be the case, surely, the Minister of Public Works would not have commenced the building of the 136 miles of the railway, included in the extension of the Pembina Branch from Winnipeg to Selkirk and the main line from Selkirk to Rat Portage, as the rails required for those 136 miles will have to be sent by way of Duluth, and the Red River, at a freight of fifteen dollars per ton. Those 136 miles of railway, with the sidings, will require 100 tons of rails per mile, so that the freight of the rails alone from Duluth will be \$210,000, and this will have to be paid long before the rails will be of any service to the country. The additional cost will probably be \$225,000 or \$250,000. What the Government should have done, was to have carried on the grading simultaneously but have done all the track laying from the east, carrying the rails with them as they proceeded. In this way they would have saved this enormous freightage on materials from Duluth to the Red River, for the western section, that will be unused until the connection with the eastern section is completed. To show more conclusively, if it were possible to do so, that the Government supposed they could use the water stretches for transporting heavy materials, I will quote from the *Scnale Debates* a speech of the hon. the Secretary of State, in this House on the 22nd of Feb., 1877, on a motion of mine in relation to the Fort Francis Lock.

“The distance between Lake Superior and  
 “Winnipeg was about 408 miles all-rail route.  
 “Of this distance 228 miles were now under  
 “contract. The first portion of the line from  
 “Fort William west to Lac des Mille Lacs, it  
 “was believed from the information before the  
 “Government, would be completed before the  
 “end of the present year. The distance from  
 “Lac des Mille Lacs to Rainy Lake was not  
 “very great, and there were only two or three  
 “very short portages on that route. From  
 “Rainy Lake to Lake of the Woods, a couple of  
 “hundred miles. \* \* \* Then they had water  
 “and rail communication already described, east  
 “to Thunder Bay. There was a gap from Rat  
 “Portage to the westerly end of the contract  
 “leading from Fort William, of 180 miles, which  
 “was not under contract. That section would  
 “cost a very considerable amount of money,  
 “and the impression seemed to be that it would  
 “be desirable to provide this water way in  
 “order to save, at all events for some years,  
 “the expense of constructing this 180 miles of  
 “railway, the cost of which was estimated at  
 “\$30,000 to \$40,000 per mile. The railways  
 “now being constructed would, of course, be  
 “available when the 180 miles link was con-  
 “structed. He would put it to the sense of the  
 “House, whether it would not be better to  
 “utilize those water stretches for some years,  
 “even at an expense of \$200,000 or \$300,000,  
 “than to incur the expenditure of six millions  
 “of dollars, and the postponement of commu-  
 “nication until this 180 miles of road were  
 “built. Although the Government had decided  
 “upon adopting an all-rail route they did not  
 “intend to put the whole line under contract  
 “at once.”

I quite agree with the hon. the Secretary of State that, if what he described could have been done for the amount named, it would have been a very wise and prudent expenditure, but I am afraid it could not have been accomplished for anything like that sum. I have here a map of that country which, I think, will tend to make the matter more plain to the House. It shows the located line of the railway, approximately, from Thunder Bay, on Lake Superior, to Selkirk, on the Red River. It shows Lac des Mille Lacs and the water stretches between it and Rainy Lake. It also shows Fort Francis and Rainy River on through Lake of the Woods to Rat Portage. I have already stated that the difference of level between Lac des Mille Lacs and Rainy Lake is 400 feet. The difference between Lac des Mille Lacs and Lake of the Woods is 430 feet. The Premier, in the extract which I read to-day from a speech of his, said the most formidable obstacle between Lac des Mille Lacs and Lake of the Woods was at Fort Francis. There would be, he said, a few short portages

*Hon. Mr. Macpherson.*

between Lac des Mille Lacs and Rainy Lake, which would be easily overcome so that the country might hope in a short time to have communication open for steamers between Lake of the Woods and Lac des Mille Lacs. Hon. gentlemen, I think it will be a serious undertaking for this country to ascend and descend the 400 feet from Lac des Mille Lacs to Rainy Lake. The Minister of Public Works stated that the only really formidable obstacle was at Fort Francis, at which place the fall to be overcome is only 23 feet. But the reports of Mr. Dawson, from which I have had this map prepared, show that instead of the fall of 23 feet at Fort Francis being the most formidable obstacle, it is almost the least formidable. At Brule Portage, the fall is 46 feet; at French Portage, 100 feet; at Pine and Deux Rivieres Portages, 124 feet; at Windgoostegoon, 9 feet; at Island Portage, 42 feet; at Nemeukan Portage, 72 feet; and one at Bare Portage of 9 feet, making altogether about 400 feet. Now, hon. gentlemen, is it not our duty to enquire, when such facts as these are recorded in official documents which were submitted to the House (Mr. Dawson's report of 1868, and Mr. Mortimer's report) how it was possible, with all this information within the reach of the Government—in-formation that you would naturally suppose they would have looked at—that they could have fallen into the error of supposing that a communication for steamers could have been established easily or at all between Rainy Lake and Lac des Mille Lacs, overcoming an ascent of upwards of 400 feet—a greater ascent than is overcome on the Welland Canal from Lake Ontario to Lake Erie?

Hon. Mr. SCOTT—There never was any such intention.

Hon. Mr. MACPHERSON—That is the statement of the Minister of Public Works.

Hon. Mr. SCOTT—That must have been a misprint; it must have been an inadvertence.

Hon. Mr. MACPHERSON—The Prime Minister, and the hon. Secretary of State himself, have stated frequently that this communication could be easily established.

Hon. Mr. SCOTT—We have stated that there are six portages in that distance.

Hon. Mr. MACPHERSON—There are eight portages exclusive of Fort Francis. The hon. Secretary of State himself, has stated in this House, that there are only two or three very short portages, and there would be great advantage in improving them, as they would be used for some years to Rat Portage before the section of 180 miles of railway between Lac des Mille Lacs, and Rat Portage would be constructed.

Hon. Mr. SCOTT—That is my opinion still. Eight portages I think is the correct number.

Hon. Mr. MACPHERSON—The number of portages is not material; the fall of 400 feet is what is material. If by reducing the number of portages you could diminish the number of feet of fall, then importance would attach to the number of portages, but as a matter of fact the number is eight. If the hon. Secretary of State was correct in stating, that the number was only two or three and the difference in level only was retained it would not have been of the slightest consequence, because it is the difference in level that is the difference. I think the House will agree with me that there is enough to call for an enquiry. This little plan which I have here, shows the route that was projected by Mr. Dawson from Thunder Bay to the Narrows of Lake of the Woods. It went by Sturgeon Falls. The hon. Secretary of State will probably tell me that the route between Sturgeon Falls and Lake of the Woods is not practicable. It has never been surveyed, yet the route contemplated by the present Government was from Thunder Bay to Sturgeon Falls, and thence utilize the water stretch to Rat Portage, two hundred miles of navigation.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACPHERSON—The hon. gentleman says "hear, hear;" I hope he will be able to show us how the country will get the benefit of it now, for unless he can show us that the difference of level does not exist, or that by some convulsion of nature since this survey was made, Lac des Mille Lacs and Rainy Lake have been brought to the same level, I cannot see how the route from Port Savanne is to be benefitted by what I have stated. The only other report that I shall refer to, is

Hon. Mr. Macpherson.

that of Mr. Mortimer, the engineer who was employed to make a sort of exploratory survey between the Red River and Lake Superior. It is Appendix B, of Mr. Fleming's report for 1877, and is dated "Canadian Pacific Railway Office, January 1875." The date must be an error; it must have been 1876, because he seems to have made the survey in 1875. He describes the country as exceedingly rough. Speaking of the Long Sault and Manitou Rapids, between Lake of the Woods and Fort Francis, both of which have to be improved before any steamer can ascend to Fort Francis, he says:—

"The Manitou Rapids are the next impediment; they are short, falling suddenly. Unfortunately, the better channel lies on the American side, but a good one may be had on the Canadian shore by excavating 300 lineal feet of rock; this excavation in some parts may reach five feet.

"It is very desirable these works should be thoroughly complete, as this is the keystone to the uninterrupted navigation from the North West Angle to Fort Francis, a distance of 130 miles; it can be obtained, however, only by a considerable expenditure. I estimate the fall of Manitou Rapids at about six feet."

These rapids are below Fort Francis, between Fort Francis and Lake of the Woods. Another point worthy of consideration is that this expenditure is made upon a river which belongs equally to the United States and ourselves and it is undoubtedly true that if the lock be of service to anyone it will be to the Americans. Mr. Mortimer describes each of the portages, including Fort Francis. Of Fort Francis portage, he says:—

"Respecting Fort Francis, either of two plans may be adopted, the one, tramway the other, a system of locks. It will depend upon the amount of freight and passengers expected to be carried through which ought to be used. I think the lake facilities at the Shebandowan end, even when improved, would hardly justify the expense of putting in locks. Should the traffic hereafter increase to such an extent as to make it an object to use locks, I believe it would pay, inasmuch as it would allow the steamer, plying on the Rainy Lake and Lake of the Woods, to have uninterrupted navigation from the North West Angle to Kettle Falls, a distance of 175 miles; this will depend on the amount of improvement on the east-end."

This was written on the 28th of January 1876, and shows that Mr. Mortimer did not consider the plan settled, and his report was in possession of the Department of Public Works anterior to the date at which the works on the canal were resumed.

Another improvement of considerable difficulty and cost has to be carried out at the head of Rainy River before vessels can approach Fort Francis Lock, if vessels should ever desire to approach it. Mr. Mortimer confirms Mr. Dawson's reports on the portages and difference in level between Fort Francis and Lac des Mille Lacs. If the Minister had read those reports he must have known that the obstacles were insuperable to navigation between those points. The country on the American side, although, I believe, very rough and inhospitable, is unquestionably better than the country on our side of Rainy Lake, which is unfit for settlement. There is small timber upon it which will be cut down and taken to the mills at Fort Francis, but that business does not require a lock. On Rainy River, immediately after you pass Fort Francis Portage, you get into a better country, and, from what I could learn, I should think there is a belt of an average of five or six miles from the river inwards fit for settlement. But, hon. gentlemen, if that country was all settled, no portion of the produce raised there would pass through Fort Francis Lock, because the course of trade would be down Rainy River through the Lake of the Woods, and so on to Rat Portage to the railway. From that point it would depend upon the markets whether it would go east or west. No portion of it would be taken upwards through Rainy Lake. The moment you come to Rainy Lake you would encounter this barrier of 400 feet perpendicular, which separates it from the railway at the north-east end of Lac des Mille Lacs. If the time should ever come, and it certainly will not come during the existence of any of the hon. gentlemen within hearing of my voice, when the lock at Fort Francis would be necessary, I think it would be better to allow the United States to build it, because it is they who will be interested in it. Our interests are not likely ever to require a lock at Fort Francis. I think both Mr. Mortimer and Mr. Baillairge said, that to overcome the Long Sault and Manitou Rapids, the best way would be to build a dam, and dam the water back from the Long Sault to the Manitou, so that one lock would be sufficient. But the State of Minnesota is on one side of the river, and I don't know how much of it would be submerged by

*Hon. Mr. Macpherson,*

a dam. A question of some international interest might arise. I feel very much indebted to the House for listening so patiently to my somewhat dry recital of facts. I am very glad to see the hon. gentleman from Lambton (Mr. Brown) in his seat, and if he can say anything in defence of the Government policy touched by my motion, I shall be very glad to hear it. I think the case forms a proper subject for a committee to enquire what amount of public money has been wasted in this work. I think the Government, especially the Minister of Public Works, was anxious to place that part of the communication between Lake Superior and the Red River under process of construction as early and as rapidly as possible. I have no doubt that was his wish, and he may have thought he would not incur much risk if he assumed that by building the lock at Fort Francis communication by the water stretches could be got through from Sturgeon Falls to Rat Portage. He may have commenced the expenditure under such an impression, but why he should have continued to build the Fort Francis Lock after he had changed the location of the railway so as to place the eight or nine portages and the four hundred feet of height between the railway at Lac des Mille Lacs and Rainy River, Fort Francis, and so rendered the utilization of the lock in connection with the railway altogether impossible, I cannot understand. If the Government had said to Parliament that they had believed the best route was by Sturgeon Falls and the water stretches, and in that belief they had gone on and expended \$108,000 or \$109,000 at Fort Francis, which they afterwards found to be an unwise and useless expenditure, but well meant; but that as soon as they had discovered that the lock could not be used at all in connection with the railway, they had suspended the works, stopped the expenditure, and asked Parliament to overlook their mistake, I certainly would have been one of those to condone it. But to persist in the expenditure as they had done, after it was known to them that the work could not be utilized, was very blamable. How the Prime Minister, who is supposed to have given a great deal of attention to this subject, with all the information contained in Mr. Mortimer's and Mr. Dawson's reports before him, and

all the machinery of the Department of Public Works at his disposal, to ascertain exactly the state of the country and what could or could not be done, could have been under any delusion, is a thing I cannot understand.

Hon. Mr. SCOTT—I do not regret that my hon. friend from Toronto has brought this subject before the House, as it enables us to remove a great deal of the mystery with which it has been shrouded by the hon. gentleman on this and on former occasions, when he has brought it up for discussion. It is very well known that an appropriation was made last Session for expenditures on this canal. At that time explanations were fully given in this Chamber, and also in another place. In order that the House may fully understand the position of affairs, it will be well to go back to the year 1874, when the present Administration undertook the management of the affairs of the country. At that time it was announced that in view of the very great expense that would be entailed in an all-rail route, the Government believed it was in the interest of this country that Lake Superior and other water stretches, lying between that lake and the Pacific coast, should be availed of, to as great a degree as possible, to lessen the expense. Among other points to which the attention of the Government was directed, was the communication between Lake Superior and Lake of the Woods. That portion of the route demanded their attention more at the moment than, probably, any other, because they found a very large and wasteful expenditure was being, at that time, undergone in what was known as the Dawson Road. The expenditure in the year preceding the change of Government was very little short of half a million of dollars. That amount of the money of the people of this country was literally wasted. There was nothing, in fact, to show for it, and in the antecedent two years—in 1872 and '73—a sum in excess of half a million of dollars, I am prepared to show, by reference to the public accounts, was entirely wasted. The only valuable remnant that was left, as the House knows from the evidence of an hon. gentleman who lately visited that country, was the road from Prince Arthur's Landing to Lake Shebandowan and Lac des Mille Lacs, and the road west-

*Hon. Mr. Macpherson.*

ward from Lake of the Woods to Red River. There were, in addition to the roads, a couple of steamers, one on Rainy Lake and the other on the Lake of the Woods. There are also smaller tugs and boats which are, I believe, of very little value at the present time. They were not very valuable when they were constructed, and from natural decay, they possess little if any value now. The Government felt it imperative that this expenditure should be stopped at once, and they immediately cancelled the then existing system of communication by the Dawson Road. Up to the end of 1873-4, I may say to the House, a sum of \$1,326,000, had been expended upon that route. A small part of that was advances made to Carpenter, but, in the following year, in closing up the old accounts of the Dawson Road, we found a sum of \$56,000 had to be paid, which was more than the sum paid to Carpenter for the part of the year 1873-4 after the present Government was formed; so my statement is practically correct, that over one and a quarter millions had been expended on the Dawson Route antecedent to 1874. The Government felt that this expenditure was unwarranted; that the great majority of the people who went to Manitoba passed through the United States. It would have been very much cheaper for the Government of this country to have paid the entire passage money of people emigrating to the Northwest and sent them by way of Duluth, than to maintain this Dawson Route, and therefore it was that the Government felt it their duty to cancel the then existing arrangement. In locating the line of railway between Lake Superior and Manitoba, the belief of the Government in 1874 and 1875—as has been shown in the quotations produced by the mover of this resolution—was, that a practicable route would be found by way of Sturgeon Falls, which is considerably south of the present line. If hon. Senators will call to mind the map of that country, they will find that the present route runs north-west to Savanne, where it intersects a river leading into Lac des Mille Lacs. The Dawson Road then bends south-westward through a series of portages and small lakes until it reaches Rainy Lake. Through Rainy Lake the navigation is clear and uninterrupted to Rainy River. There was this impediment at the point

where the Fort Francis Lock is being built, which prevented the passage of boats to Lake of the Woods. Having overcome this impediment and minor obstructions in Rainy River, communication would be uninterrupted to the North-West Angle or at Rat Portage, the point where the railway, which is being built eastward from Selkirk, intersects the Lake of the Woods. So it was quite apparent, looking at the map of the country, that the removal of the slight obstructions in Rainy River and the construction of a lock at Fort Francis, at the outlet of Rainy Lake, would give uninterrupted navigation from the east side of Rainy Lake to the North West Angle, a distance, I believe, of one hundred and sixty or one hundred and seventy miles—I am not sure of the exact distance. On the belief, no doubt, that the road would intersect the waters that flow into Rainy Lake near Sturgeon Falls, this work was commenced. In 1875 it was referred to in the report of the Minister of Public Works, and in that year a vote of the House was asked for, and the sum of \$150,000 was placed in the estimates. I mention this fact because my hon. friend asks in his motion what authority there was for this expenditure.

Hon. Mr. MACPHERSON—That is charged to the Pacific Railway.

Hon. Mr. SCOTT—It is quite true it is under the head of Pacific Railway expenditure, but it is put down specifically for the Fort Francis Lock, and Parliament was advised of the character of the expenditure. At that time the belief was that it could have been availed of in facilitating the connection between the then proposed terminus of the Pacific Railway east of Rainy Lake, and the Lake of the Woods. The House will remember that, last year, at the instance of a member of the Committee who takes a deep interest in this subject, Mr. Sandford Fleming was brought before the Committee, and questioned as to why he changed the route of the railway after public opinion had centred upon the southern line. It is quite natural that the southern line, following to some extent the Dawson Road, would have been preferred, because it was in the line of what is known as the water stretches. It gave this 170 miles of water communication, and it was

*Hon. Mr. Scott.*

a great object in the building of the Pacific Railway that it could, on the east side, reach those waters, and thus, for a considerable period, have enabled us to defer the construction of an all-rail route through to Manitoba. Mr. Fleming, in his evidence, from which I shall quote, in reply to a question why the located line was selected in preference to one by Sturgeon Falls, said:—

“ We began by making surveys directly on that line from both ends; we spent a whole season and the following winter and part of the following year, but we failed to find a practicable line in the direction referred to, east of Rat Portage. We were driven to look for a line further to the north.”

He then proceeds to show the difficulty of finding a practicable line either by Sturgeon Falls or round by Rat Portage. Mr. Macpherson, puts the question directly to him:—

“ Had you the country between Sturgeon Falls and Lake of the Woods thoroughly surveyed and explored?”

To this Mr. Fleming replied:—

“ Yes, we went in from both ends and had explorations made, but the reports were so extremely unsatisfactory that we did not deem it advisable to make further surveys. Instrumental surveys were continued, but we were driven off the direct line altogether.”

“ Q. Did the explorations extend north and south over a considerable portion of the country?—Yes; they explored to the right and left over a considerable area.”

“ Q. You spoke of Rat Portage as being the only place where the Lake of the Woods could be crossed?—The question of crossing the Lake of the Woods at another point, by a number of islands, had been considered, but the expense would be very great indeed, and the policy of crossing these wide stretches of water is very questionable.”

The evidence is all in the same direction. The Hon. Mr. Sutherland puts the question.

“ Would not a line from Sturgeon Falls through the Narrows, to Winnipeg, be much shorter? Yes, if you could get a line.”

I put the question to him myself, whether the surveys had been at all of a character that might be called exhaustive, and he replied “ yes.” I then asked him if he was prepared to say no feasible line could be found there, and he replied that engineers were unwilling to admit that anything was impracticable in engineering, because money could force a passage through almost any obstacle, but it was on that ground alone he would not say it was impossible. This was the year

after Parliament had voted \$150,000 for the construction of the lock, and the work had been undertaken. My hon. friend admits if the Government, after spending \$109,000, had abandoned the improvements at this particular point, he would have approved of their action. The Government took in the position of affairs thoroughly. They understood it would not have been practicable to avail themselves of this particular water stretch for a number of years as a through route, but they believed it would help them to develop that portion of the country and be valuable for five or six years, at all events, before the link between Savanne and Rat Portage could be completed. One hundred and eighty miles of the centre gap are yet untouched, and it was believed that these improvements, with the water stretches, would be of considerable advantage. They were not justified in abandoning entirely the communication with the North-West by the Dawson Route, on which so much money had been expended, simply because they felt it would take another hundred and twenty-five, or one hundred and fifty thousand dollars to complete this lock and render feasible the navigation of Rainy River. The hon. gentleman did not make any reference to the probable sum that would be necessary for the completion of this improvement. Last year the sum asked for was \$75,000, and this year, I believe, the amount is brought down to \$10,000.

Hon. Mr. MACPHERSON—I do not believe the improvements can be completed on the scale proposed for \$500,000.

Hon. Mr. DICKEY—The \$10,000 is merely for the Fort Francis Lock.

Hon. Mr. SCOTT—Yes. The sums voted by Parliament directly for this work were \$150,000, in 1875; \$75,000, in 1876, which also appeared in the estimates.

Hon. Mr. MACPHERSON—I would suggest that the hon. gentleman give the expenditure rather than the estimates.

Hon. Mr. SCOTT—The absolute expenditure, as I have got it from the Public Works Department, up to date, would be \$227,000, less certain moneys that were paid out of that sum towards the Pacific Railway, some \$10,000. There is a balance on hand at the present time, of \$20,000, and plant to the value of \$18,

*Hon. Mr. Scott.*

000, which, I believe, can be readily sold for that money.

Hon. Mr. MACPHERSON—It will be altogether worthless by the time the canal is completed.

Hon. Mr. SCOTT—This would reduce the actual amount expended to \$184,000. If this is really the case, and by the expenditure of an additional \$10,000 we are going to avail ourselves of that stretch of water from Rainy Lake to the North West Angle, I think the Government are quite justified in exercising their judgment in going on with the work, even though it were not to form an important link in the communication with the North-West, and, I have no doubt, my hon. friend would have been one of the first to censure the Government if, after spending \$110,000, they had abandoned this work and allowed it to go to decay. The Government believe they have built a useful work there; one that will be of permanent value. It is not like a road that can be worn out, or the boats which are now lying up, rotting and perfectly worthless. This country has spent a large sum of money on the Dawson route for which there is very little to show. The present Government stopped that expenditure and tried the experiment of keeping it open by contract. Mr. Carpenter undertook it for \$75,000 a year, but even that was too extravagant, and it was found impossible to force travel by that route. When this large expenditure in connection with the Dawson Road was going on, the hon. gentleman did not feel it his duty to ask the House to make an enquiry if this money was properly expended. I may mention, this sum voted for the improvements on Rainy River was entirely expended by days' work and not by contract.

Hon. Mr. MACPHERSON—Hear, hear!

Hon. Mr. SCOTT—The hon. gentleman says "hear, hear;" I believe the late Government did endeavor to build the boats by contract, but it was found quite impossible in that remote region to get contractors to take them at a reasonable price. We know in a country where it is so difficult to bring in supplies no contractor could arrive at an estimate of what it would cost to carry on work, and for that reason the Government decided to build the Fort Francis Lock by days' work. The

hon. gentleman does not bring any charge against the Government, in a corrupt sense. All he says is the Minister of Public Works did not fairly and justly estimate the loss (from the hon. gentleman's point of view) that it would be to this country to go on with that expenditure; that when he concluded to deflect the line of railway north and this communication would not be in the line of the railway, he should have abandoned this work after the expenditure of \$110,000, and let it go. The Government thought differently.

Hon. Mr. MACPHERSON — And spend \$500,000.

Hon. Mr. SCOTT—The hon. gentleman criticises us for expending money in completing a work, which we believe will be of considerable importance, not only to that section, but to the whole of the North-West. I am advised that the land along Rainy River, is of a very superior character; that already a very considerable population has gone in there; that in the last two or three years, some two or three hundred persons have settled there; that the Department of the Interior have laid off several townships, and it is quite evident the country has considerable attraction for immigrants. Another of the advantages that, I am advised, will flow from the completion of those works—though my hon. friend appears to doubt it very much—is that it will afford an avenue for the bringing in of sawn lumber into the North-West. At the present time, as hon. members know, the prices for lumber in Manitoba and the North-West are quite high. I think clear stuff is worth about \$50 a thousand, and inferior boards sell for \$20 per thousand.

Hon. Mr. AIKINS—Where? At Winnipeg?

Hon. Mr. SCOTT—Yes; I was reading in a Manitoba paper and found that was the price.

Hon. Mr. AIKINS—You can get clear lumber at Winnipeg for \$25 to \$30 per thousand.

Hon. Mr. SCOTT—In a Manitoba paper, which I have now before me, the price of clear lumber is put down at \$50 to \$55.

Hon. Mr. AIKINS—That must be seasoned lumber.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT—It is quite obvious that the price of lumber in that country is very high, and that this communication will enable parties to bring lumber through Rainy River down to the North-West Angle, and thence by rail to Manitoba and the North-West.

Hon. Mr. AIKINS—From the State of Minnesota.

Hon. Mr. SCOTT—It comes from Minnesota now, and the facilities for transporting it will be greatly increased by the construction of this work, and if we can give cheap lumber to our own people it will be of advantage to them no matter where it comes from.

Hon. Mr. MACPHERSON—Minnesota will derive all the benefit if there is any.

Hon. Mr. SCOTT—A gentleman in the Department of the Interior informs me that there is a thousand millions of feet of lumber in the country north and north-west of Rainy Lake, and the outlet for that lumber would be by Lake of the Woods and the railway west from Keewatin. If that is the fact, I am clearly of the opinion—and I am sure any gentleman who looks at this question without prejudice will arrive at the same conclusion—it was much better for the Government to have gone on with the improvements after having commenced them than to abandon them, in view of the two arguments I have mentioned, that is, the population now settled on the fertile lands in the valley of the Rainy River, and the large amount of lumber available on the north and north-west of Rainy Lake, that will have to be taken out by this route. I do not think it is necessary for me to advert to the report of the Minister of Public Works, although I have a copy in my hands, in which attention is called to this particular work. It cannot be alleged, as it has been insinuated, that the Government built it without proper authority from Parliament, because the authority I have already quoted, and the vote appears in the estimates for an amount at least equal to the present expenditure. The hon. gentleman had knowledge of the inception of this work and did not then take means to call attention to it. The hon. Senator from Toronto, (Mr. Aikins) did call attention to it, but went no further than to enquire how fast the work

was progressing. At that time it would have been within the direct line of railway communication as then proposed. I have no objection to a Committee of this House following up the enquiry, although it is a very unusual proceeding. It is undoubtedly a sort of censure on the Government, because the information sought is available in the blue books issued from time to time by the Department of Public Works, and the usual way of getting such information is to call for reports, rather than to appoint a body of gentlemen to assume the right of interfering with a work which the Government is supervising. It is a very unusual proceeding, to say the least. Before the Committee is struck, I will probably desire to make a few observations as to how that Committee ought to be formed. Last year, when a committee, somewhat similar to this, was being formed, I took the ground that the Government ought at least to be represented on that committee by a majority of members. I am quite aware that that view was not approved of by the House; that some hon. members who spoke on the subject, took the view that the feeling of the majority of the members of this Senate should be represented rather than the Government. I do not think, in a matter of this kind, where it is, no doubt, a subject into which a good deal of political bias enters, that it is quite fair or proper that the Executive should be judged by a hostile committee, and, while I should be the last to accuse any hon. gentleman in this Chamber of being actuated by a hostile feeling on a committee, still, where the committee is avowedly for the purpose of casting a reflection on the Administration, it is but reasonable to suppose that, unwittingly, gentlemen unfavorable to the Government would come to the same conclusions as the hon. Senator who introduced this motion. The practice in this Chamber is based, I believe, on the practice in the House of Lords. The practice in that body is, where five members desire it, the committee should be struck by the House.

Hon. Mr. McLELAN—I would just say in connection with the observations of the hon. Secretary of State, it would afford me great pleasure to be left off this committee. I would ask the House, that some other name be substituted for mine, as I may not be in a position to give that

*Hon. Mr. Scott.*

time and attention to the enquiry that the hon. Secretary of State would desire. Whatever selection may be made, I hope that the committee will be able to elucidate all the facts in this case. I confess, from the statements made by my hon. friend from Toronto, there appear a good many things that are hard to understand or believe in connection with this matter, and I trust the committee will carefully investigate it and report the facts to the House. The hon. Secretary of State, in his remarks, has reminded us again, as he has at other times done, of the cost of the Dawson Route. He tells us that road cost something like \$1,250,000, and that the Government felt it their duty to abandon it and send all the passengers going to the North-West, through the United States.

Hon. Mr. SCOTT—We leased it for two years.

Hon. Mr. McLELAN—The remark of the hon. gentleman was that they found it cheaper and better to send them all by the United States. The hon. gentleman forgets, perhaps, there was a time when this road was an absolute necessity, not only for the earlier immigrants, but to take in the men into the North-West that were necessary for the protection of life and property on the Red River, and to preserve that country to the Dominion. I refer to the time when we sent troops to Fort Garry, and when the United States refused to let them pass through any portion of their territory. I gather from the remarks of the hon. Secretary of State, that he maintains that had the railway been built upon the line first proposed, this lock at Fort Francis would have given uninterrupted navigation for 160 miles, and furnished water communication between the two ends of the railway. Now, supposing this to be the fact, we can see, perhaps, there was some reason for an expenditure to connect the two sections of railway that were being built but, if you admit that, then when the location of the railway was moved further north, and put in such a position as to render the lock at Fort Francis useless, unless the obstructions mentioned by the hon. Senator from Toronto were removed, why did the Government continue the expenditure. The hon. gentleman (Mr. Macpherson) had shown that the lock

would overcome only twenty-three feet of the rise and fall between the two ends of the railway, leaving something over 400 feet untouched. The hon. Secretary of State has quoted from the evidence of Mr. Sandford Fleming to give a reason why the railway was moved further north. I ask the hon. gentleman to quote Mr. Fleming, if he can, recommending the continuation of expenditure upon this Fort Francis Lock. I ask him to quote Mr. Fleming, if he can, ever having recommended the construction of this lock. The hon. Senator from Toronto tells us that he cannot find in any of the papers any recommendation by any engineer for the expenditure upon that work. I have been equally unsuccessful in my search and, I think, surely in the building of the Pacific Railway and its connections, when they had a chief engineer employed—a man standing at the head of his profession in this country—it was but justice to have his recommendation for so large an expenditure as it is shown has been made and is yet necessary for the completion of that work. The hon. Secretary of State has abandoned his previous position, that the Fort Francis Lock is a necessary part of the Pacific Railway, and he drops down to the transportation of lumber from Rainy Lake, on the ground of the high price that is paid for lumber in some parts of the North West. The hon. gentleman ought to know something of the prices paid for lumber in that section of the country. I find the Government are paying for lumber used on the Pacific Railway, \$100 per thousand, and I think it is necessary in some way or other to reduce the price.

Hon. Mr. SKEAD—Is it cubic or board measure?

Hon. Mr. McLELAN—Board measure.

Hon. Mr. SKEAD—I should like to see such a state of things existing here.

Hon. Mr. McLELAN—Now let us see if there can be any advantage to the country from the construction of this lock at Fort Francis, and not only of the lock, but of the section of railway they are now engaged upon. The hon. Senator from Toronto has quoted a number of speeches delivered by the Secretary of State, and by the Premier, on different occasions, all tending to this point, that for very many years the intervening link of 180 miles shall not be built by the Dominion. In

*Hon. Mr. McLelan.*

fact, the Secretary of State told us last year they did not propose to build it at all.

Hon. Mr. SCOTT—As a government work.

Hon. Mr. McLELAN—Yes, as a government work; that, having built these two ends, they propose to rest there and see if a company could not be formed to build the remainder of the Pacific Railway.

Hon. Mr. SCOTT—Under the Act.

Hon. Mr. McLELAN—In answer to Mr. Campbell, he said at all events it would be some six or seven years before they would undertake it. Now, suppose the 228 miles under contract were built, and, with all the obstructions that the hon. Senator from Toronto has shown to exist on the water communication, I ask what possible advantage can that be to the people of this Dominion? What possible advantage can the expenditure of \$6,000,000,—that is about the amount given by the hon. Secretary of State and the Premier—upon the railway be to this country? We do not know when a connection between the two ends of this road will be established, and without that through connection there can be no traffic. Why, what does the Premier himself say in respect to the country through which the line runs? He says, in one of his speeches:—

“ We have under contract 224 miles of rail-  
“ way from Lake Superior to Red River, the  
“ largest portion of which is through a country  
“ never before trod by the foot of man, except  
“ the Indians, Hudson Bay hunters and our  
“ own engineers.”

That is the country into which, 108 miles on one end and 116 on the other, they are running a railroad at a cost of \$6,000,000. I wish to call attention to the fact that it is admitted by the Premier himself, that they are expending this enormous sum in running a railway into a wilderness wholly uninhabited by white men.

Hon. Mr. MACPHERSON—It never will be settled.

Hon. Mr. McLELAN.—Now, if that be the character of the country, and if there be obstructions, forming 400 feet of a rise and fall, independent of the 23 feet at Fort Francis, to the water communication, I ask the House where is the com-

non-sense in spending this enormous sum in works which must be idle and useless, at all events, until the 180 miles link is put in, and worse than useless, because they will rot and decay. I was speaking of the prices they are paying for the lumber they are putting into that road. The Premier claims credit because it is being built at a less cost per mile than the Intercolonial railroad. The reason of that is, where we had the best masonry that is to be found on any road on this continent in our piers, culverts, abutments, bridges, &c., they have built all theirs of logs and timber trestle work. Perhaps the Premier may think it is equally good, but I mention the fact to show that no comparison can be established between the cost of the two roads. I have gone over the number of structures of timber on the 228 miles of road under contract, and I find the cost in the schedule for abutments, bridges, culverts and other wood work is over \$800,000. We all know, by the system under which they are building, the cost will exceed what is put down here. It is not built as the Intercolonial railroad was, but at schedule rates, and you may safely put down the cost of wood and wooden structures at \$1,000,000. Now, you have not only an expenditure on ordinary railway, of \$6,000,000, but you have one-sixth of that of wood. Taking seven years as the period in which they will make the connection, this road will be almost worthless by the end of that period. Let us go into a little calculation as to what the result of that will be. You have \$6,000,000 expended upon the construction of 228 miles of railroad running into a country upon which the foot of white man never trod before the engineers went there, and which furnishes no local traffic. Now, what liability for interest does that bring upon us? At the rate of five per cent, which money costs us, it is \$300,000 a year, and if it is to be worked at all, the expense will be very great. Why, the cost of the Intercolonial railway during the past year was \$1,661,000. What shall we put down for the working of this 228 miles, and remember it is in two separate sections, increasing the cost of running? Shall we say one-half or one-third of that amount? If we put it at one-third, it will be \$500,000 for working the 228 miles of road running into that barren and forsaken country. You have,

Hon. Mr. McLellan.

then, \$800,000 a year as the cost of these pieces of railway. Now, I ask the House where is the traffic to come from? Where are the advantages to compensate this country for an expenditure of \$800,000 a year, or half of that sum, or even a dollar of it? I find in the report of Mr. Mortimer, already quoted by my hon. friend from Saugeen, in which he speaks of the Dawson Route—and it will be borne in mind, it is proposed to utilize a large portion of the Dawson Route in the water stretches connection. He says:—

“From my own personal observation, it is not possible, without a very large expenditure, to pass more than six tons of freight per day over the road.”

Now, with the additional obstructions to the line that exist upon that portion of the route, added by the change of location—additional portages and 400 feet of rise and fall—I think you will find that it is not possible with any expenditure to pass anything like six tons of freight per day over that route. Nobody will maintain for a moment there can be any local traffic there; it must be all through freight, and if you can pass even six tons of freight per day over the road, what is that to pay its working expenses? We had the statement made by an hon. member from Manitoba, that there would not be a single man or a ton of freight pass over the water stretch route if it were completed to-morrow, because there is a free and unbroken all-rail route by the United States, and I believe the House is satisfied there would not. You have, therefore, the whole \$800,000 standing against you, and no return, and at the end of seven years, even though it stands that long, the wood-work, to the value of \$1,000,000 in the railroad will, in the main, have to be renewed. This, then, is the position of the matter as it appears by the information before us. Six millions of the people's money is being spent on the construction of two widely separate pieces of road that it is not proposed to connect for six or seven years—in fact, not at all by the Government. This cost involves in seven years a further sum, in interest and working expenses (supposing anything so surprising as the working of it) of at least five millions of dollars, and at the end of seven years, another million in renewals—altogether, a sum of twelve million dollars, for which there can be no possible

return, none whatever, until all-rail connection be made through. The hon. Secretary of State gives us the authority for the expenditure, the vote by Parliament of the money; but supposing they had asked and obtained the money, surely, when the facts were known, when the entire worthlessness of the scheme became apparent on examination and survey, they should have stopped proceedings and saved the country's money. I, therefore, support the hon. Senator's motion, but have to ask that another name be substituted for mine on the committee.

Hon. Mr. MACPHERSON—I would suggest the name of Mr. Macfarlane, instead of Mr. McLelan.

The resolution was changed as suggested by the mover.

Hon. Mr. BROWN—I confess, hon. gentlemen, that so far as I am personally concerned, I exceedingly rejoice that this discussion has been brought on. For some years I have not taken a deep personal interest in public affairs, and I have only a very general knowledge of what has been proceeding those years. I have been noticing very violent attacks that have been made upon the Government with regard to this work of late, with some apprehension. I read a pamphlet, which was sent broadcast over the country, with regard to this very work, and I got an idea there had been something frightfully wrong with respect to this part of the Pacific Railway scheme.

Hon. Mr. CAMPBELL—So there is.

Hon. Mr. BROWN—I found in that pamphlet something like this:—

“Is it possible that he (Mr. Mackenzie) did not know that to connect Rainy Lake with Lac des Mille Lacs, for the purposes of navigation, 400 feet perpendicular have to be overcome? Did Mr. Mackenzie know that the work he spoke of accomplishing in ‘a few years’ and ‘years before’ the railway is completed between Port Savanne and Keewatin (Rat Portage) involved the construction of canals through seven miles or more of rock, and the building of forty locks, each of ten feet lift?”

“When declaring it to be the policy of the Government to carry out this stupendous undertaking, surely it was Mr. Mackenzie's duty to tell the country how many millions it would cost to construct the canals and the forty locks required to enable ‘steamers’ from Rainy Lake to ascend four hundred feet to the top of the hill whereon Lac des Mille Lacs reposes.”

Hon. Mr. McLelan.

Well, sir, it was very alarming. Millions upon millions to be expended on this work with, the hon. gentleman declared over and over again, no object.

Hon. Mr. MACPHERSON—Quite true.

Hon. Mr. BROWN—The hon. gentleman says it is “quite true.” I have noticed his speech to-day. I have watched every word which fell from him. I have heard what fell from others, and I confess the whole thing oozed away like the soft breezes that come to our ears on a summer evening. It is hard to tell what the hon. gentleman has to complain of against the Administration in this matter. It turns out that instead of millions being involved, the whole amount expended on this work has been \$180,000.

Hon. Mr. MACPHERSON — No, \$227,000.

Hon. Mr. BROWN—The hon. gentleman says “\$227,000.” That is the character of the figures I find in this pamphlet. The hon. gentleman insists that the amount is \$227,000, though it is only this moment the hon. Secretary of State, who ought to be believed by this Chamber, made deductions from the amount which brought it down to \$180,000.

Hon. Mr. MACPHERSON—I stated that the expenditure was \$163,662 to the 30th of June last. That is what appears in the Public Accounts.

Hon. Mr. BROWN—The hon. gentleman said that, it is quite true, but he said he had not the last six months' expenditure, and he had no doubt there were very large sums to be added to it. He asks how much has been paid up to this moment, and the Secretary of State gives the amount, and says deductions bring it to \$180,000. Now, do not let us go away from the point. The matter we have under discussion is the expenditure of \$180,000 for a public work which the Premier believed in his heart was necessary in the interest of the country to fulfil the bargain that was made with our fellow colonists in the great North-West. The hon. gentleman says: “I have no doubt Mr. Mackenzie wished to do this, and to do it as soon as possible”; and so, for an expenditure of \$180,000, which was gone about with this honest intention, which was submitted to Parliament from the very first, and obtained the approval

of the people's representatives month after month and Session after Session; every sixpence of which has been endorsed by the House, by this Senate, and by the hon. gentleman himself, we are asked to give a Committee to overhaul this matter, and before the thing has been enquired into, we have had it sent abroad to the country—and the hon. gentleman has tried to do it in his speeches here—that this is one of the greatest jobs—

Hon. Mr. MACPHERSON—Blunders.

Hon. Mr. BROWN—He says “blunders” to-day, and I do not blame him that he tries to use more parliamentary language. I accept the language he uses to-day, but it is entirely different from what appears in this pamphlet, which has been sent to England and over the country in thousands of copies, not as a blunder, but something very much stronger.

Hon. Mr. MACPHERSON—Yes.

Hon. Mr. BROWN—I have never heard such a tribute to the character of any Administration who honestly desired to do what they could for their country, as in what the hon. gentleman has read here to-day.

Hon. Mr. MACPHERSON—Oh! oh!

Hon. Mr. BROWN—It is so; I don't know a case. The hon. gentleman read report after report, speech after speech, showing that the Government even changed their minds on this from time to time. I wish it had been the case with other Administrations. This Government, when a doubt came across their minds, whether they were proceeding rightly, hesitated before going forward any further, yet the hon. gentleman complains of this. He complained of the stoppage of work in November—

Hon. Mr. MACPHERSON—I did not complain of the stoppage, but that the work was proceeded with.

Hon. Mr. BROWN—The hon. gentleman said the work was stopped in November and resumed in April. Well, I fancy work is generally stopped in that country in November, and commenced again in the spring. Can it be forgotten the way this Administration came into power? Will it be forgotten that they came with a burden thrown upon them which has been borne by few Ad-

ministrations in any country in the world! They came with a pledge to a handful of people in British Columbia, that a great road—probably, as the hon. gentleman has said, costing something like \$100,000,000—should be commenced within two years, and finished in ten. They were called upon to fulfil the bargain that was made. The hon. gentleman talks about there being no estimate or survey of this lock. He knows he voted this bargain through. His friends proposed it and he helped them to put it through without any estimate, or survey or knowledge of what it was to cost the country. We were committed to the building of that road let it be \$100,000,000 or \$200,000,000. The present Government have endeavoured honestly to fulfil that bargain, while completing those grand canals we are building and which will be monuments to this country which few other countries possess; while completing the Intercolonial Railway, (which was carried by the hon. gentleman's own friends away round the coast, hugging the water, instead of by the North Shore, which was offered to be done for a bonus of \$8,000,000, but which now costs the country \$22,500,000.)—yet, the hon. gentleman thinks that those who are to complete all that, are to be brought to the bar of public opinion because this blunder (as he calls it) was committed. I say it is no blunder. It is quite clear it has been done with a complete understanding of what they were about. But even if it had been a blunder, it was not from the lips of that hon. gentleman, or any reasonable man, to bring a charge against this Administration that they deserved punishment for. It might be a thing to be regretted. It might be a thing for the hon. gentleman to bring to the House and say “in the midst of this enormous work these men, brought into this position with an immense burden upon them, it is to be regretted, erred.” I consider it extraordinary for men to carry on for five years those great public works, and bring them to the point they have now reached, and that so little can be said against them by the Opposition. I do not blame their opponents for looking so closely into such matters. I would let the hon. gentlemen bring their committees, make motions, and conduct their enquiries as fully as possible. I do not recollect in my career

Hon. Mr. Brown.

—and I have watched the progress of these provinces for 35 years—an administration which could as readily seek an enquiry into their proceedings as the hon. gentlemen who now hold the treasury benches. The hon. gentleman seems to think no improper expenditures have ever been made in the past. I recollect when his friends were in power the Chats Canal was commenced. The first vote asked for was \$75,000, and the expenditure went on from year to year until it reached \$480,000. And where is it now? It stands as a monument of the utter incapacity of the hon. gentleman's friends for conducting business.

Hon. Mr. CAMPBELL—What has that got to do with this?

Hon. Mr. BROWN—Yet the hon. gentleman talks of \$180,000 for this great work, which if the country is ever to be anything, ought certainly not to be thrown aside. I confess, having been away so long from public life, I am delighted almost with what has taken place to-night. It shows we have passed away from those old times when the hon. Senator and his friends were in office, from the days of the Baby job, the piers and bridges and other works down the St. Lawrence. One hundred and eighty thousand dollars! Why, a million dollars was thought nothing of then! If you could bring back old Baby to listen to this debate, he would think we had got into the most virtuous days ever heard of. Certainly, in his days such things were never thought of. One hundred and eighty thousand dollars for constructing a great work, conducted by day's labor, and going on, with all sorts of investigations being called for! In those days—no one knows better than the hon. gentleman—they scorned even to ask the consent of Parliament to large expenditures. They gave a contract out for \$30,000, and took a vote for that amount, and then, next year, when the Public Accounts came down there was probably \$500,000 expended, of which \$470,000 had never been voted by Parliament. The hon. gentleman surely does not mean to say that when the Government come down and propose a scheme to Parliament, and that passes both Houses without objection, and then come down next year, report the progress they have made, and ask for more

*Hon. Mr. Brown.*

money until the enormous sum of \$180,000 is expended to the present day, that an investigation is necessary. Does the hon. gentleman mean to say, with all the figures in these books, with the pile of volumes before him, with an amount of information with regard to this work, which you would scarcely find in connection with the Intercolonial Railway in all the years the hon. gentleman's friends were building it, that he has not information enough? If he wants information how is it he goes to work to write all these pamphlets and comes here and tells us all he does? The hon. gentleman and the hon. Senator from Kingston, and my hon. friend from Toronto (Mr. Aikins) went a journey to see this work, and they come down and they tell us their experience, and yet they want more than that personal experience gives. They come and bring up their personal experience, and represent this as something extraordinary, but when closely examined, it appears to be one of the most correct and carefully and economically done things I ever heard of. I do not intend to detain the House long upon this point. It appears to me the whole thing lies in a nutshell. I do not speak of the very able and straightforward, and, it appeared to me, very complete answer given by the Secretary of State; but, taking the statement of the hon. gentleman himself, it is perfectly clear that the whole thing arose in the most natural way—that the railroad was originally intended to be run in a different line from that which is now taken. The hon. gentleman says—"why didn't they wait and send engineers?" I suppose with all these enormous public works on hand, there was an immense demand for all these professional men. The Premier could not have gone himself to see it. He could only trust to such information as he could obtain, and it is evident he took the earliest opportunity to proceed with the work. We were pledged to construct a railway to that North-West Territory and draw immigration there as soon as possible. All the difficulty seems to have arisen about that central link, which seems to be so costly, and to require such a long time to execute it that it appeared to stand in the way of getting direct communication between these Provinces and Manitoba. What more natural than that he should use those water-courses as far as

could possibly be done? I think both parties agreed to that. The House consented to it, at all events, and it was adopted. Then, the whole thing comes down to this: the hon. gentlemen says, if they had stopped after spending \$110,000, he would not have blamed them. Well, it is only \$70,000 more, even though it were an error of judgment. The hon. gentleman shakes his head.

Hon. Mr. MACPHERSON—I said I believe the blunder will amount to \$500,000 before the thing is done. It is not nearly finished.

Hon. Mr. BROWN—The hon. gentleman is very unbelieving. Now, I have got in my hand the report brought down this year, in which I find the following:—

“The rock excavation of the lock-chamber is nearly completed. The timber for the gates will be obtained during the winter.”

I went to the Public Works Department, to-day, to find out something about this work, and was informed by one of the professional men engaged on it, that very little more money will be required to complete it—that the rock excavation was almost finished.

Hon. Mr. MACPHERSON—What is the depth of the lock?

Hon. Mr. BROWN—Here is what the report says:—

“This canal will connect the 44 miles of navigable water of Rainy Lake with Rainy River and the Lake of the Woods, making a continuous navigation, from Kettle Falls to the North-West Angle, of 164 miles, with 7 feet depth of water.”

Hon. Mr. MACPHERSON—I state with the most perfect confidence, that cannot be done for \$500,000.

Hon. Mr. BROWN—Then, the hon. gentleman will see, if it will cost half a million—and it is not wise to spend that amount on this work—it will not be spent, and if the Government come to the House to ask for it, let him vote nay; but let the hon. gentleman not talk of \$500,000 at a time when the expenditure has really been only \$70,000 more than he says he was willing should have been expended if they had stopped there. It appears to me that the Government in this have acted most wisely, because, admitting, as the hon. gentleman does, that this work was undertaken with the belief that it was for the good of the whole Dominion and necessary for the Pacific Railway, that it was

*Hon. Mr. Brown.*

honestly and rightly gone about, I say it would have been folly to have stopped at \$110,000, when the connection between these two great water stretches will be made for the people who settle there, at any rate. How would it have done to have left the works in the middle to decay? I say it was far wiser to go on, even for the use of the people who go in there.

Hon. Mr. CAMPBELL—There never will be any settlers there, in all probability.

Hon. Mr. BROWN—The hon. gentleman says there will never be any settlement there “in all probability.” I was told that when I came to Canada with regard to a great many counties that are now filled with people. It is not long since I heard people say “there never will be any settlement in Muskoka;” there are some of the finest farms in Canada there now; and we were told the same with respect to other counties that are now covered with settlements. The hon. gentleman goes there and, as he passes through the country, sees a little of it—not a millionth part of it—and he comes to the conclusion that it is unfit for settlement. Let him go to Scotland, and see the hundreds of thousands of acres that we were told in his day would never be settled—why, the fields blossom like the rose in places where it was not dreamed in our time anything could be cultivated. It is absurd, in opening up a great country like that, to try and bring down every little thing to bear out their particular view of it. Do they think any member of the other House has taken the ground that is assumed here? Not at all. I very much regret that such a feeling should be shown in this House. I think we should look broader and higher altogether, than to be bringing down little petty things like this, and trying to make accusations against the Government. The whole thing seems as if the hon. gentleman were in a very cross humor. I have known days in which we have seen a very different feeling displayed, when grants of \$10,000,000 were spent in public works without much advantage from them, and not a word came from the hon. gentleman against his friends who then held the Treasury Benches. I think it is not for the hon. gentleman who approved of the expendi-

ture of \$1,250,000 on the Dawson Route, to complain that an effort was made to go on a cheaper scale—and the Government have certainly succeeded in doing that, and in giving very much more accommodation than the Dawson Route furnished—and when it is admitted that the work was honestly gone about. The hon. gentleman seemed to make a great point about the number of these locks. It appears to me he has not put that fairly. It is not locks the Government have been thinking of, but portages.

Hon. Mr. MACPHERSON—How is Mr. Mackenzie to take steamers over the portages?

Hon. Mr. BROWN—I fail to find any mention of a scheme to take steamers over the portages? We have continuous navigation down the St. Lawrence, yet we use canals.

Hon. Mr. MACPHERSON—Yes, but not portages.

Hon. Mr. BROWN—The hon. gentleman says it is all in the 400 feet. If that 400 feet is divided up in ten portages, why should not ten roads be made, no matter what the height?

Hon. Mr. MACPHERSON—But how are you to take the steamers over it?

Hon. Mr. BROWN—The hon. gentleman remembers very well when the St. Lawrence was not, as it happily is now, improved so that vessels could pass up by means of canals, and he must know that it will be far easier to carry passengers over the short portages between Lac des Mille Lacs and Rainy Lake, than it was in days that he can remember, to convey passengers and freight from Montreal to Toronto.

Hon. Mr. MACPHERSON—No, no!

Hon. Mr. BROWN—The hon. gentleman should not say “no. no.” There were a great many places on the St. Lawrence where goods had to be portaged, though I do not recollect it myself. The hon. gentleman sees in all those public documents what the intention of the Government is. Right or wrong, take that if you like, but do not say that five millions or any number of millions of dollars will be required for a work which the Government never contemplated doing. I do not regret by any means that the hon. gentleman should have made

this motion, but I would very much have preferred that, under all the circumstances, and in view of the very moderate speech he has made to-day, the tone of which was quite unexceptionable, such a motion should not appear upon the paper. No one would dream of refusing such an inquiry; by all means let him enquire into everything, but I think he should not bring such a motion as this. He asks:—

“1st. Whether the Fort Francis Lock can be “used for the purposes of commerce in connection with the Canadian Pacific Railway.”

There are a great many other purposes it can be applied to. This is to give an idea of failure, and he takes it from his one-sided point of view.

“So as to form part of the through communication from Lake Superior to Manitoba, and “if not, what improvements will be indispensable?”

Who can tell what will be indispensable! The idea of submitting such a thing to a committee! How can you do that? You must send up there for people who know all about it; you must have engineers and all sorts of witnesses, as if this were not the business of the Government and had not been put before the House from time to time as the work advanced. The Government have concealed nothing; the hon. gentlemen have seen the work themselves. Why do they not bring down a resolution condemning the policy of the Government and say what they will do? That is the fair way to act, and not to put a resolution on record which may never come to anything. This committee may never bring it to a point, but this resolution insinuates all sorts of things against this public work. I think, unless we have a very strong case, we should stand by the Government of the country, and by the credit of our public works. I say it is not right to stand up here and say on mere suspicion, not to our own country only, but to every country in the world, that we bungle our public works, and that we throw money away in an indefensible manner. This resolution will go on the Journals, the speech made by the hon. Secretary of State will not go with it. The statements of the hon. gentleman opposite will be published and republished all over the country, and if the motion is carried to-day it will, in a

measure, be regarded as giving color to those statements. If the hon. gentleman wishes to do this in a candid manner—probably he did, but it did not occur to him—he has got, at the end of his motion, all he wants. It is usual to say, here is a subject which requires investigation, and then move for a committee to investigate it. He has got all he wants in number five of his resolutions, which is as follows :—

“5th. And generally to inquire into all matters relating to the Fort Francis Lock, with power to send for persons and papers, and to report from time to time to this Honorable House.”

Hon. Mr. AIKINS—That change could not prevent it from going on the Journals, it will have to go on anyway.

Hon. Mr. BROWN—I am sorry for it. The hon. gentleman might consent to withdraw it. There was a time when my hon. friend from Toronto (Mr. Aikins) would not have done that.

Hon. Mr. AIKINS—I rise to a question of order. The hon. gentleman says that unless a certain course is taken that resolution will go on the Journals of the House. I merely say that it will go on any way. I want to know if the hon. gentleman wants to make a personal attack on me for saying that.

Hon. Mr. BROWN—I can assure the hon. gentleman, I had no intention to make a personal attack. What I wish to say is this—it very often happens that gentlemen get up here—in asking a question, actually—and proceed to attack the Government and make charges, and sit down again, get their answer, and no defence is allowed to go on record at all. Now, I say such things ought to be done fairly.

Hon. Mr. CHAPPAIS—It is a great shame.

Hon. Mr. BROWN—So it is. I hope whatever is done we will act fairly towards all parties, and whether this Government or any other administration is in power, they will be fairly treated. The resolution goes on to say :—

“To afford unbroken communication for steamers between the railway stations of Port Savanne and Keewatin.”

There is nothing to justify the hon. gentleman in putting that paragraph in. He expects steamers to go over those

*Hon. Mr. Brown.*

portages. The resolution proposes to enquire :—

“What will be the use of this lock for purposes of commerce?”

Every person must judge that for himself. What could I tell about that who have never been there? Who can tell that to the committee except the hon. gentleman himself and the hon. Senator from Kingston? Except those, I do not know that there is anyone else on the proposed committee who has been there before. What difference would it be if a vote were taken on it in this House? I understand there has been a committee on this subject before, and the hon. gentleman has cross-examined the whole engineering staff of the country.

Hon. Mr. AIKINS—That was not the committee.

Hon. Mr. BROWN—What was the committee?

Hon. Mr. MACPHERSON — The Kaministiquia—another job.

Hon. Mr. BROWN—I think the hon. gentleman does not need a committee to ascertain the “dimensions of the lock.” He must know that if he has read the report of the Minister of Public Works. Neither should it be necessary for him to enquire where :—

“The appropriation from which the money expended upon it has been taken.”

I do think the hon. gentleman should withdraw that motion and should move one simply asking for the appointment of a committee. The insinuation that the Government has been spending money without authority is not fair. However, I congratulate the hon. gentleman on having come to a much more calm and pleasant frame of mind than when he wrote his pamphlet.

Hon. Mr. MACPHERSON—I simply invite enquiry.

Hon. Mr. BROWN—I think you should take that course and not have everything cut and carved for the committee before the enquiry is commenced. If there were some great wrong which had been done, and you were trying to get at the bottom of it, you might possibly move such a resolution for the appointment of a committee.

At six p.m. the House rose for recess.

## AFTER RECESS.

Hon. Mr. CAMPBELL—I am glad, in some respects, that the Recess happened between the speech of my hon. friend from Lambton (I understand Mr. Brown desires to be known by that term) and my reply to him. The hon. gentleman, I am sure, has always been actuated in this House by the most perfect good nature. Yet he comes with such a tempest of passion that really one desires a little pause between the time it is all over and the time it is necessary to reply to him, lest one should forget oneself and answer in the spirit provoked unintentionally by the manner of the hon. gentleman, who, although he speaks in that violent way, is yet at heart, I am told, a very good natured person. Let us recall the facts which are before the House, and let us try to forget, if hon. gentlemen have not now forgotten—and I dare say they have already forgotten, except my hon. friend from Toronto, who was in the very crisis of an attack when the House rose—the violent defense of my hon. friend from Lambton of his friends in the Government. Let us forget all this, and go back to the facts established by my hon. friend from Saugeen in the speech which I think was characterized by great moderation and forbearance, and which I think, if I may be permitted to say so, contrasted in that respect so admirably with the speech of the hon. Member from Lambton who so warmly defended the Government and desired to inculcate to this House the dignity and calmness which should characterize us, and who set us an example which we all witnessed when the House rose. My hon. friend from Saugeen established, first, that this lock at Fort Francis was commenced on very insufficient information; that there was no such information before the Government as a Ministry usually demands before undertaking works of that nature and magnitude. I think he established that very clearly, and also that the link which this work amongst others—part of the Dawson Route—was intended to establish between two disconnected parts of the Pacific Railway, was likely to be used necessarily for four, five or six years to come. It is not always possible to get accurately what the Government do intend with reference to certain works, and those members of this House,

*Hon. Mr. Campbell.*

who have been here more frequently than the hon. member for Lambton, know that we have from time to time very great difficulty in getting accurate information from the Government as to the number of years that would elapse between the completion of 116 miles, or whatever it is, from Fort William westward to the beginning, of the other 106 miles, or whatever it is, from Rat Portage to Selkirk, but be that period four, five or six years this link is to be used in the meantime, and is to be composed of the Dawson Route, the Fort Francis Lock, and the intermediate and following stretches of water navigation. That, my hon. friend also established very clearly. He also established, I think, that in November 1875 the line of the Pacific Railway, which up to that time had been intended to have touched the Sturgeon River, so called,—for it is slack water, I believe—had been abandoned and another line chosen away to the North of that line one hundred miles, and at such a distance from the waters which find their level in the Lake of the Woods as to render the use of the Dawson Road and the Fort Francis Lock an impossibility. It is established that they found out this in November 1875. Why did they not find it out before? They had no particular survey of that route made in November 1875, and they were only then availing themselves of the information which they might have made use of, in November 1873, when they undertook the government of this country. They then had all the information which was in their possession in November, 1875; they had, at any rate, Mr. Dawson's report, which my hon. friend from Saugeen has quoted, giving the exact descent from the waters of the Lac des Mille Lacs to the waters of the Lake of the Woods, including the descent at Fort Francis and the rapidity of the current there and the obstructions which are interposed above and below Fort Francis. All this was in the hands of the Government in 1873. Why then did they ever undertake the Fort Francis Lock? You find, in the first place, that they had no special information and there was no pretense that they had that kind of knowledge which usually guides a Public Works Department when commencing the construction of a work of any magnitude. But whilst they had not

that special information, and no special engineer's report, and no special survey, they had the general information which Mr. Dawson's report gives of the descent of the waters which they were desirous of establishing as their mode of communication between one end of their section of the Pacific Railway and the beginning of the other. Then, I ask in the name of common sense, knowing all these difficulties which had to be overcome, why did they undertake such a work? And when my hon. friend from Lambton says it is a great pity that you should throw discredit on the Public Works Department, and that this discredit will spread far and wide in this country and other countries, I am sorry that the want of confidence in the Public Works Department of the Dominion is not to be removed by an expression of that kind, and that it has been manifested in the country and in this House, with the strongest reason, from time to time during the past three years. Have we not in this House decided beyond all question that the Public Works Department had most erroneously concluded to commence the Georgian Bay Branch?

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. CAMPBELL—Had we not established beyond all doubt that they had, without proper thought and due consideration of the difficulties involved, intended to commence the construction of the railway on Vancouver's Island from Esquimaux to Nanaimo? Have we not also had established in this House beyond all doubt that the course pursued by this Government—and I never said more than that it was a blunder, a grievous blunder—with reference to the steel rails transaction.—

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. CAMPBELL—Have we not had established beyond doubt, in this and other matters, that if there is one department more mismanaged than another it is the Public Works Department? Although I have great respect for the head of the Government; although I believe he is a man of great ability, and from whom much was expected,—notwithstanding all that, I say if there is a department in the Government which has not come up to the public expectation, it is the Department over which the Premier presides. I say that after three or four

*Hon. Mr. Campbell.*

years experience, and after all those matters have been closely examined into in this House, and elicited from members of the Senate from all the Provinces (and in which it has fairly and strongly represented the opinion of the Dominion) an expression as to the want of capacity which has characterized the administration of the Public Works Department since the change of Government in 1873—I am bold enough to say, that it seems to me that we have had from that Department in a number of instances, notably in those I have already referred to, a marked lack of wisdom and judgment in arriving at decisions of great moment, whilst I frankly admit there is great vigour and ability in administration. I think my hon. friend from Saugeen established these points, and I will repeat them—that the work was begun on very insufficient evidence, that the link to be supplied was a link that would be required for five or six years, that in November 1875, at all events, the Government had decided to change the line of the Pacific Railway and carry it one hundred miles north of the original line, so that it would be one hundred miles away from the line they first intended to establish when they decided to construct the Fort Francis Lock. Having, therefore, rendered the Fort Francis Lock useless for the purposes of the Pacific Railway, why did they not stop that work? This committee, if appointed, will ascertain why, and the amount of the expenditure which had taken place up to November, 1875. I fancy it was very small when the Government had determined to change the route of the Pacific Railway, and when they therefore knew there was not a ghost of a reason for continuing to work on this lock. If this matter had been put in any other light we might have shown more forbearance, but the Government from the beginning told us it was to be part of the Pacific Railway. There was no pretence, as the hon. member from Lambton puts it, and as the hon. the Secretary of State partly put it, that it was merely for the purpose of encouraging settlement, and letting the lumber growing on the shores of Rainy Lake go down to Lake of the Woods, and help the people of Minnesota. We are told it was part of the Pacific Railway, and now it is admitted not to be a part of the Pacific Railway. It is acknowledged

by the hon. the Secretary of State to be a blunder, and acknowledged by the hon. member from Lambton, who defends it, to be a blunder; but it would never have been so admitted, but would have been completely justified, if it had not been for the perseverance with which the hon. member for Saugeen has pushed this matter upon the Government. By his exertions and his ability and perseverance, he has brought together such facts, and established his case so well, and so thoroughly, that the hon. gentlemen are forced to admit it was a blunder, and of such a gross character that it seemed hardly to admit of an excuse. If they acknowledge now that it was a blunder, as they have, it is because of the exertions of the hon. member for Saugeen, who puts them in a position so that they cannot do anything else. The hon. the Secretary of State has again and again told us this lock was part of the Pacific Railway, and I want to know, if the votes he has quoted from Bills of Supply indicate the character of the work, how they had the face to go and do it by day's labor? What does the Pacific Railway Act say? That it shall be built by contract. If it is a part of the Pacific Railway—and it is, according to their Acts of Parliament—why did they not do it by contract? I am at a loss to say how it is. I find no fault with the way the work is going on, but that is not the subject before the House. I do say that the day's labor and the superintendence was not being done fairly well. But the question is whether it should be done by day's labor or not. If the work were part of the Pacific Railway—and that was the only defence they had originally—and it was to take the place of the incomplete link of the Pacific Railway for a time, then it was their bounden duty to let it by contract.

Hon. Mr. SCOTT—I think we had authority under the Act to build it by day's labor.

Hon. Mr. CAMPBELL—I think not.

Hon. Mr. SCOTT—We had to build it as a public work.

Hon. Mr. CAMPBELL—It was not an ordinary public work; it was an exceptional public work, a part of the Pacific Railway which, from time to time they have laid down the rule, shall be built by

*Hon. Mr. Campbell.*

contract only, and which they have made exceptional in the Independence of Parliament Bill, brought into the other House the present Session. I ask if the excuse furnished by the hon. the Secretary of State, and by the hon. Senator from Lambton, is a real excuse—that this work was not a part of the Pacific Railway, but a local work—would the Government ever have proposed it? Is it possible, with the opinion of the hon. Senator from Lambton has of the ability with which the Government has been conducted—does he believe they would have come before Parliament and proposed the construction of a lock at Fort Francis apart from the Pacific Railway? I do not believe it. Nobody in his senses would have ever dreamed of building a lock at Fort Francis merely for local purposes. It is all very well for the hon. gentleman to talk about the hills of Scotland, and the "roses that bloom there," and the winds which "ooze" (I think he said) "into gentle breezes," and he may talk of our mistakes—and there have been mistakes I admit with reference to our settling part of the country—but I do not believe that his rose, bloom it ever so fair in the part of Scotland from which he comes, could ever bloom on the shores of Rainy Lake, and I am quite sure the hon. gentleman is in error there. My hon. friend from Saugeen and I do not pretend to speak from anything we saw, but were speaking from surveys of the engineers, and we speak—we cannot do better in the eyes of the hon. gentleman from Lambton, or the hon. the Secretary of State—in the language of the Premier. He says it "goes into a wilderness;" my hon. friend from Saugeen once called it "a howling wilderness." The Premier says it goes into a country where the foot of white man never trod until the engineers went there. It is a wilderness and will remain a wilderness, and the Government would never have proposed a lock there if it had not been intended for a part of the Pacific Railway, to take the place of the missing link on that road. It is only now, when they are driven into a corner, when the hon. Senator from Lambton comes to the rescue with his knowledge of affairs and that swinging elocution of his, and talks about Chats canals, Baby jobs, and a dozen things that the hon. gentlemen from the Maritime Pro-

vines never heard of, and which everybody but my venerable friend has forgotten—the defence is put up that this is a blunder, but a small blunder; and the hon. gentleman says, if you contrast it with those of former administrations it is nothing at all; that there were millions of dollars wasted in other ways, and this is but a paltry sum: “please, mam, it is such a little one!” The hon. Secretary of State says, the Government have all along known fully the facts. Now, I ask hon. gentlemen on all sides, is this the sort of an excuse—I want to put it as gently as I can—that will pass current with us that they have all along understood the facts? Did we last year, or the year before, hear that this was a blunder? Did we last year, or the year before, hear that this lock was not part of the Pacific Railway, or that it would be a very useful work to let lumber down?

Hon. Mr. AIKINS—Never.

Hon. Mr. CAMPBELL—These are novelties, and I can say with certainty, without going beyond the knowledge of every hon. member in this House, that the Government, so far as we are able to ascertain or know, did not take in the facts; that they are only just now taking them in, that they have made a terrible blunder. These were the facts established. My hon. friend from Saugeen has clearly made out that an enquiry is necessary to ascertain why this work was persevered in after its apparent usefulness had been established to have been gone. I heard an excuse in that part of the country from a friend of the Government—he was a friend of the Government, because you meet nobody there but friends of the Government, they are all contractors, or getting supplies. He told us he believed the work had been forgotten by Mr. Mackenzie when the change of the line of railway had been made—that he had forgotten to stop the work. That really was told me by a friend of the Government, as the only thing they thought of in that part of the country as an explanation for going on with the canal. I think the Government are now finding out the blunder which has been committed, and perhaps would be willing to stop it, and I have no doubt they are willing to have a committee appointed to enquire into it. But this strikes me as odd—while they say they

Hon. Mr. Campbell.

were going to use the Dawson Route which they condemned the late Government for building.—I am not here to defend the late Government, which has gone with its virtues and sins, and we have now before us the present Government with its sins, and its virtues if they have any—they tell us the Dawson Route is to be used as a part of this link, and yet blame the late Government for expending \$1,300,000 upon it. Though they blame the late Government so heartily for having spent so much money upon it, they propose to use it, and, although they propose to use it, they allow it to go into disrepair. They stand in this way; though they are spending \$6,000,000 on the Pacific Railway between Fort William and the Red River, they are leaving out a link of 180 miles and, in place of it, taking the Dawson Route and yet allowing that road to go into disrepair, and blaming the late Government for spending money to construct it. The only shadow of an excuse or reason for the course which has been pursued by them in using two links of the Pacific Railway, separated by 180 miles of wilderness, must be the existence of the Dawson Route, and that they are going to use that road. Why build a railway at the enormous expense of £10,000 per mile to stop in the wilderness at Savanne, and take up another section and build one hundred and fourteen miles from Rat Portage to Selkirk? How are you going to go from Rat Portage to Savanne? What is the use of building the railway unless you carry it through? Most of the structure is of wood, the bridges and culverts are of wood, everything is of wood, and the life of the wood is only seven years. The bridges, trestle work, culverts and ties will all be rotten and in shreds before the road can be used, in the way they are going on. Is there any good judgment or anything which will commend the wisdom of the Public Works Department to the confidence of the public—is there anything which should prevent us speaking with loud voice about the conduct of public works in such a course as that? Why spend \$6,000,000 for landing passengers in the woods? Why spend all this money when it cannot possibly fructify—when nothing can come of it? Where is Port Savanne? My hon. friend from Saugeen said justly and truly, it is in the midst of

a howling wilderness. Who wants to go there? Nobody. And after you get there you cannot go further; and even by using the Dawson Route, we shall be expending millions on a railway and, getting to the end of it, we shall be obliged to take what may called an Indian path, to get 180 miles to another section of the railway. The only excuse the Government have is the existence of this Dawson Route.

Hon. Mr. SCOTT—That is all that was contended—that part of the Dawson Route would be used. There is only six and a half miles of land carriage in all that distance.

Hon. Mr. CAMPBELL—The hon. gentleman is very smooth about six and a half miles of land carriage, but there is 400 feet of a descent, and how can you use a steamer there?

Hon. Mr. SCOTT—I never contended that a steamer would be placed there.

Hon. Mr. CAMPBELL—But the Premier does.

Hon. Mr. SCOTT—It is a mistake; it must be a misprint.

Hon. Mr. CAMPBELL—I know nothing about that. I know that is what is stated. But, taking the view expressed by the hon. gentleman just now, does it warrant this expenditure? We are going to use a route with several portages, amounting in all to six and a half miles, and the freight must be carried over those portages, put into batteaux, and tugged by steamers. You have a railway costing £10,000 per mile for one hundred miles, and then batteaux.

Hon. Mr. MACPHERSON—Eight fleets of batteaux.

Hon. Mr. CAMPBELL—I admire the hon. gentleman from Lambton, and sometimes I am touched by his wonderful imagination, and I cannot help characterizing this route as going over a railway to take an Indian path. Is that the sort of thing to make the Public Works Department respected in this country, or to hinder us speaking freely of such shortcomings as I refer to? The hon. gentleman condemned the Dawson Route, because, he said, nobody ever went over it—that they stopped the expenditure, and put it under contract, which was given to Mr. Carpenter. That contract gave the

*Hon. Mr. Campbell.*

Carpenters so much per year—\$75,000,—for keeping the road open. They need not take a passenger over it, and in fact they did not take any—only some twenty or thirty in all, but for the purpose of argument they took none. They did not deny it was their interest not to take passengers over it. Their contract was to get \$75,000 a year—they took it and they kept their steamboats tied up, and there they lay while they earned their money by doing nothing. Their steamers lay at the wharves, the teams were in the stables, and the contractors smoked their pipes while they drew \$75,000, and the hon. gentleman thinks that it wisdom, and that we must speak with halting breath of the Department of Public Works.

Hon. Mr. SCOTT.—That is better than half a million spent the year before.

Hon. Mr. AIKINS.—I beg the hon. gentleman's pardon, it is not half a million. The amount spent in 1873-4 was \$243,844.

Hon. Mr. SCOTT.—The hon. gentleman has not the correct figures. The Public Works Department have furnished me with a statement of the amount, and it is \$414,000. They also gave me a statement showing that \$50,000 was paid in 1875, that amount being due before the Dawson Route was handed over to Carpenter & Co.

Hon. Mr. AIKINS.—An extraordinary fact is, so far as the sum total is concerned, they agree.

Hon. Mr. CAMPBELL.—My hon. friend from Lambton was a little disposed to forget the immediate subject on hand, and devote himself to the pamphlet of the hon. Senator from Saugeen—a pamphlet which he characterized as presenting an unduly exaggerated view of public affairs, but it seems to have hit. The hon. gentleman himself seems to have been hit by the pamphlet; he evidently has it as a pocket companion. And the Government and their friends seem to feel it too. I have heard of great meetings held by members of the Government, and addressed by them, and that sometimes a hard-headed Scotchman would take up this pamphlet and say, "Ye have not answered the pamphlet at page 13." It has been a useful pamphlet. My hon. friend has written with care and great ability, and grouped his facts with such skill, that it

must be admitted, whether hon. gentlemen concur in his views or not, that they are presented in the most convenient shape, and I believe give an accurate statement of public affairs. But because the hon. gentleman from Saugeen has written a pamphlet, it is contended that he is not in a state of mind to go on the committee. My hon. friend from Lambton has never written anything. O, no! He and his friends are in an impartial frame of mind! They are calm! They are free from bias! They present that attitude which should characterize members of the Senate, which the hon. Senator from Lambton tells us would become us, and which he illustrates by his example! He showed us to-day that he was in this calm frame of mind, and presented a contrast with the pamphlet of my hon. friend from Saugeen, whose statements were violent and rabid, and such as to unfit him to approach this subject in that dispassionate spirit which the hon. gentleman from Lambton displays. We appreciate that argument thoroughly, from the manner in which the hon. gentleman has illustrated it. My hon. friend from Lambton also says, because the Government say that only \$170,000 has been spent on this work, they are to be believed. Of course, when the hon. Secretary of State says so, I am quite ready to believe it, but when the hon. gentleman says he is of the opinion, or the Government are of the opinion, or the Premier is inclined to think that only so much will be required to complete it, then I pause and ask myself: Did they know anything about it when they began? I doubt it. Did they begin it with any authority of Parliament? None whatever. They seem to have begun it, according to the official letter read by the hon. gentleman from Saugeen, in 1875. That is the date of the letter to Sutherland.

Hon. Mr. SCOTT.—There was a vote taken in the Session of 1875.

Hon. Mr. CAMPBELL—They had no authority from Parliament, and when that matter was first mentioned in this House—I do not remember by whom—it was not pretended they had any authority from Parliament for beginning it. It was begun as part of the Pacific Railway, and the Secretary of State justified it under the general Act of Parliament which

Hon. Mr. Campbell.

enabled them to build the Pacific Railway. There was no other excuse thought of but that. They began it without any information, without any engineering knowledge, or any authority from Parliament, and I am not prepared to believe, when I am told it is only going to cost fifty or a hundred thousand dollars, that it can be completed for any such sum. I may be so prejudiced as to sympathize with my hon. friend from Saugeen, but I am inclined to believe his estimate is more likely to be correct than that of the hon. Secretary of State. I should like to know whether the predictions uttered by the head of the Government with reference to other questions have proved correct. I remember the Premier last April, in asking a vote for the Intercolonial Railway, said it would pay itself within \$13,000. Now, at the end of the year, there is half a million dollars of a deficit. I think that shows how closely or remotely the anticipations of the Government are realized with reference to public works. It seems to me the case is not as the hon. Senator from Lambton tries to make out, one of no importance, one with which we should not occupy our minds, and one which it would be prejudicial to the weal of the country for us to condemn the Minister of Public Works about, or bring the fair name of the Government into discussion about. I say it is a work which eminently demands investigation, because it was begun without any authority from Parliament or an engineer's report; because it has been excused to us on different and inconsistent grounds; because for some Sessions we were told it was part of the Pacific Railway, and now it is admitted to be a blunder, although a little one, and therefore not to be inquired into. I say it is just one of those cases where public money has been expended without the authority of an Act of Parliament, so far as the commencement is concerned; where work was persevered in without reason and after its use was shown to be done away with by the change of the railway route, and where, according to all appearances, the information the Government possessed in 1875 enabled them to decide that point. I think if they had considered the question when the route was changed, they must have concluded to stop the work. I do not know what amount was expended up to November,

1875, but the committee will find it out. It would seem as if the Government have got committed to it, and, from a sort of false pride, are insisting upon completing this lock which leads nowhere. It is all very well to talk about this 160 miles of navigation, but if it is through an uninhabited and uninhabitable country, what is the use of it? More particularly since you cannot now get at the site of the lock by the steamer on Rainy Lake. Two or three miles above it, there is an obstruction which prevents the steamer from reaching it, and fifty miles below the lock there is an obstruction which prevents the steamer on Lake of the Woods from getting up to it. Really, the only part of that country which is likely to be inhabited, is the section below the lock. It is a fair country, but not equal to what we have here. The fertile land extends back from the river about five miles—I believe that is the distance I was told—but all Canadians will understand the sort of country it is when I tell them it is covered with birch and poplar. That is the only part of the country that is fit for settlement, so far as can be seen as you pass through it, and it is below the lock. When the Government go on with such a work after they know it has ceased to be useful, and after giving two or three excuses for it, I say it is eminently a case for enquiry, and I must say my hon. friend from Saugeen has established a strong case. I hope the committee will be granted. I thought it necessary to uphold my hon. friend in the course he has pursued, and which will redound to his credit with the country, as the course he has pursued during the past three years has. He has submitted facts which have brought the Government, at last (if I may use the expression) to their knees, confessing that they have committed a blunder. Let us see whether the expenditure cannot be stopped, and prevent them from persevering in their errors.

Hon. Mr. BROWN—I object to a word which the hon. gentleman says I made use of—blunder. I took that word from the hon. gentleman opposite (Mr. Macpherson). I said,—“Well, he puts it as a blunder; let us look at it as a blunder.” I defended it as it stands, without admitting it to be a blunder.

Hon. Mr. SCOTT—I think I stated, in  
*Hon. Mr. Campbell,*

speaking of the authority which the Government had, that in 1875 an item was placed in the estimates of \$150,000 for Fort Francis Lock. The Government had that authority.

Hon. Mr. CAMPBELL—What time of the year was it?

Hon. Mr. SCOTT—It is in the estimates of 1875—the Session of 1875. In my observations on it I called it an incident of the Pacific Railway, but that in consequence of the deflection of the railway northward it would not be permanently a part of the line. I do not think my hon. friend is quite fair in running away with the idea that I desired to lead the House to believe that there were no great difficulties to be overcome between Rainy Lake and Lac des Mille Lacs. I justified the expenditure simply on the ground that there should be communication between the eastern end of Rainy Lake and the western end of Lake of the Woods. I was fully aware of the eight portages and the difficulty at Fort Francis Lock. Mr. Fleming in his report last year went specifically over the number of portages, and the eight, together, are less than seven miles. I have no doubt it will be necessary to keep up boats on these stretches until the railway is completed—they will be required as essential in the construction of that road. The hon. gentleman has rather unfairly taunted the Government with running the road into a wilderness.

Hon. Mr. CAMPBELL—With stopping it in a wilderness.

Hon. Mr. SCOTT—We do not propose to stop it in the wilderness, but we will construct a through line as rapidly as the resources of the country will admit. The hon. gentleman in past years taunted the Government with not going on with this road. We were told day after day there was no sincerity in the statements of the Government; that they did not intend to build the road. My own observations, made in an election speech when I first became a minister of the Crown, were quoted against me, that I had stated it would take forty years to build the Pacific Railway. The British Government were appealed to by the weaker party to that bargain; charges of insincerity were rung through this Chamber and in the other House, and the Government

were pressed to go on with the road at all events before the surveys were completed. If the Government had done what they desired to do they would not have spent a dollar on the road until the survey had been thoroughly made. But what would hon. gentlemen opposite have done? They would have charged us with attempting to break faith with British Columbia; with destroying the autonomy of the Dominion, and that we were not acting in good faith, or maintaining the integrity of the Dominion. That is what we would have been charged with. If the Government had waited until the surveys were completed they would have acted wisely, but they felt it to be their duty, in order to show their good faith, wherever they could go on and usefully construct portions of that line, to do so. I can appeal to any body of gentlemen who are earnestly desirous of arriving at the facts, if the portions of the line already undertaken cannot be utilized. It is intended to utilize the portion of the line to Port Savanne in connection with the water stretches and the Dawson Road to Keewatin, where the western section of the railway will continue the communication to Red River. My hon. friend has attempted to bewilder the House. He has made it appear that we intend to climb up, by some means or other, the 400 feet elevation between Rainy Lake and Lac des Mille Lacs. This subject has been gone over so often in this House that I did not think it was necessary all those details should have been explained again, and I did not think the House would suppose that the Government intend that navigation should be kept open all the way from Lac des Mille Lacs to the North-West Angle. The Minister of Public Works knew it in 1875; he knew it better in 1876, and he could not have made the mistake that is charged against him. Therefore, I say, it is unfair to make the charge against the Premier that he was ignorant of the true position of affairs at that time. The hon. gentleman who made this charge alleged that it was not until over \$100,000 was expended that the Government knew that their Chief Engineer—

Hon. Mr. MACPHERSON—What I stated was, when that work was suspended in 1875, the expenditure must have been very small.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT—I do not think it is right to assume, because I did not so state it in my observations, that the Government were advised in the fall of 1875 that the route by Sturgeon Falls should be abandoned. On the contrary, I think it was very much later. We know very well that Mr. Fleming, who had the matter in charge, spoke in the committee last year of having spent nearly two years in searching for a line through to Keewatin. I presume that a portion of 1876 was spent in finding a line by Sturgeon Falls to Keewatin. It was not, probably, for a year after, that the Government were fully made aware that the railway would have to be deflected north by Port Savanne and English River.

Hon. Mr. MACPHERSON — The change was announced on the 31st March, 1876, that the northern location had been adopted.

Hon. Mr. AIKINS—And they did not resume the work on the Fort Francis Canal until the middle of June.

Hon. Mr. SCOTT—These details will all come out in committee. My hon. friend from Saugeen did not at all take the ground that the Government would not have been perfectly justified in the construction of this work at Fort Francis, if the railway had been located by way of Sturgeon Falls, but he says when the road was deflected, we should have abandoned the canal. We took the other view, because we did not feel that the expenditure would be anything like the figure my hon. friend has announced. I would be very much disappointed, indeed, if it reached the sum of \$300,000. At present, there is no parliamentary authority for an expenditure even to that extent. This year, I think the sum asked for is only \$10,000. If that is so, it will keep the whole expenditure less than \$300,000.

Hon. Mr. VIDAL - I am not at all satisfied with the explanations that have been made by the Government on this matter. It appears to me that the Secretary of State, although he avowedly confined himself to the water stretches of Rainy Lake and River and the Lake of the Woods, did so in an unfair way, as conveying the impression that he was dealing with the whole question of connecting the eastern and western sections of Railway, now under construction.

What can be the object of removing the obstructions between Rainy Lake and Lake of the Woods, if all the other obstructions between Port Savanne and Rainy Lake are allowed to remain? If the western extremity of the Lake Superior section of the railway is to be connected with the eastern extremity of the Red River section, the difficulties along the whole of the line of water communication between them must be taken into account. I have now heard for the first time that the works at Fort Francis were being constructed for the purpose of opening up that new country for settlement and to facilitate the transportation of lumber. These are only incidental and subsidiary advantages, that may possibly accrue and be enjoyed by some few persons who prosecute certain branches of trade in that locality, but they did not constitute the principal or even a prominent reason assigned by the Government in this House for the construction of that work. It has always been spoken of as being a connecting link between those two disjointed sections of the Pacific Railway, and the arguments now used by the hon. Secretary of State in favor of the construction of the locks are sufficient to justify the wisdom of the course adopted by the hon. gentleman from Saugeen in calling the attention of the House to this expenditure, and asking for a committee to enquire into it. I concur with the hon. gentleman from Lambton beside me (Mr. Brown) in the general tenor of his remarks upon the wording of the motion that has been made; in my judgment, as well as in his, the first four clauses could have been dispensed with, and the fifth clause would have been sufficient to ask investigation by a committee. My hon. friend (Mr. Brown) in speaking on this subject wandered a great distance away from the question, and introduced matters wholly irrelevant, that I certainly had almost forgotten; but I do remember reading some years ago, with the greatest interest and delight, an article in the *Toronto Globe*, which was generally supposed to have come from the forcible pen of the hon. gentleman himself, in which it was asserted most distinctly and emphatically that a Canadian trans-continental railway was a national necessity; that without it the Confederation of the Provinces

*Hon. Mr. Vidal.*

would exist only on paper—an unsubstantial shadow—and that the Government that ignored that question, and would not put forth every effort to undertake and complete the Pacific railway, was recreant to its duties and unworthy of controlling the destinies of this country. The hon. gentleman tells us now that the Pacific railway project was a very great mistake, but those were the hon. gentleman's sentiments a few years ago, and they had the sympathy and approval of the large majority of intelligent and influential men of all the Provinces of the Dominion. Yet, here we are told to-day, in direct contradiction to this, that the inception of this road was a very great mistake, and that we were entering into engagements that we never can fulfil. I believe if its construction depended on the present Government, it never would be carried through, and if ever it is to be a success, it must be prosecuted on some scheme analogous to that proposed by the Ministry who first obtained the sanction of Parliament to its construction. Suppose for a moment that the present scheme of connection by water is carried out, and that the two locks at Fort Francis are completed so that there will be uninterrupted communication by steamboats from Rainy Lake to Rat Portage, what will be gained by it? Hon. gentlemen must remember the fact that after that route is completed, there will be still eight portages to be overcome between Port Savanne and Rainy Lake. The hon. Secretary of State speaks of those portages as though they were a matter of no moment, being less than seven miles in aggregate length. I should like to know what difference it makes, whether it is seven miles or twenty miles, if every article of freight that passes over the route will have to bear sixteen transshipments from barge to waggon and waggon to barge, before it reaches the level of Rainy Lake? Does any hon. gentleman suppose there will be any traffic over such a line? Is it possible to imagine that any passengers or freight will leave the steamers at Fort William and submit to the inconvenience of those sixteen transshipments between there and Rat Portage, when they can go on comfortably by steamer to Duluth, and from there to Winnipeg by rail, after next August, when, we are told, the railway *via* Pem-

bina will be available? If the scheme of the Government were completed according to their plan, I contend that no passengers and no freight for Manitoba and the West would go over that broken line while the route by Duluth affords the opportunity of avoiding the trouble and delay of the numerous transshipments, and of accomplishing the journey to Winnipeg in comfort, and in less than half the time. Could steel rails or heavy freight be taken over those portages? Is it within the range of possibility that rails for the construction of the deferred section of the railway should be loaded and unloaded sixteen times before they reached the level of Rainy Lake? If this 400 feet of difference of level is to be left as it is, and only to be overcome by portages, it appears to me to be of very small consequence to make another portage when arriving at Fort Francis. After having surmounted eight such obstacles, surely a ninth could not materially bar progress. It is not worth incurring all this expenditure to overcome this one difficulty, and still to leave the remaining eight existing between the two sections of railway. When, in addition to this it, is remembered that the water route is only practicable for less than six months of the year, and that, consequently, the sections of railway connected by it would be quite useless for the rest of it, the folly of the scheme becomes more apparent: Nothing but an all-rail line from Lake Superior to the Red River can possibly prove a successful rival to the route through Minnesota; until this is made the millions spent upon the separated sections will be practically wasted. And as soon as it is constructed, the route by Rainy Lake will be perfectly useless as a link of communication with the great West. I therefore think it desirable that these matters should be submitted to a committee for investigation. They are questions which the whole country wants to see answered, and answered satisfactorily. This House is as good a place to discuss them, fairly and impartially, as any tribunal in the Dominion. It is very seldom we have so much party feeling manifested on any question as there has been here to-day. Generally speaking, the decisions of this House have been accepted by the country with satisfaction, particularly on those few occasions where it has taken a stand against proposed legislation, and

*Hon. Mr. Vidal.*

has interposed (as far as it could interpose) its authority with respect to preventing unwise expenditure on public works that had been in contemplation, and the country has pronounced as its verdict that the Senate was right. I believe the country will pronounce the same verdict now.

Hon. Mr. KAULBACH—I think the country should feel thankful that there are hon. gentlemen here, who take the trouble to enquire into and expose the enormous blundering expenditures that have been made on this Pacific Railway. It is quite evident, from the random way in which the Government have gone on with the work, that millions of dollars have been wastefully and uselessly expended, in consequence of a want of a fixed policy. We find the Government, in the first instance, opposed to the building of the railway by a company, believing that the country might save all the profits that would be derived by a company and contractors from it. But we find them again, after long delay and spending a further considerable amount of money, deciding that the road should be built by a company. We then find the Premier reconstructing the Government and taking into his Cabinet gentlemen well known to be, and who had publicly avowed that they were opposed to the building of the Pacific Railway. It is clear after all this that the Government were determined not to build a through line from Lake Superior to Red River, but to utilize the water stretches from Lac des Mille Lacs to Rat Portage. We find that after considering this as a portion of the Pacific Railway, they suddenly change their policy and deflect the line some 100 miles away north of these very water stretches, so much talked about and generally condemned, that they contemplated using in connection with the railway. It seems to me that the Government did not, in the first place, take into consideration the nature of the country, and had not sufficient knowledge of the country, data or estimates of work at Fort Francis Lock on which to commence this canal. They have embarked in the undertaking without asking for tenders or having the slightest idea of what the cost would be, or its practical utility to the country, and continued wasting money on the lock after changing the course of the railway.

It has been made plain to us by my friend, the hon. member from Londonderry, that after having two sections of the road under contract, the Government have expended, or are legally liable to pay out, six millions of dollars of the public money on a work that will be for many years of no practical use to the country. The interest on the money, to say nothing of the deterioration and decay of the work, will in itself be a large amount—\$300,000; the Fort Francis Lock, estimated by the hon., the mover of the resolution before us, at \$500,000 more, (the hon. Secretary of State admits there has been expended in and about the work, some \$237,000) which makes an annual charge of \$325,000 on the country for a work of no practical utility. The water stretches cannot be available for heavy freight until we can get over the break in this level, of 400 feet, while, after expending this large amount of money, we have only been able to overcome twenty feet of it. Then, as for the country opened up by this work, it is sterile. It offers no inducements to people to settle in it, while the policy of the Government affords no encouragement to those who want employment to come to this country, so that it is of the last importance that that work should have been undertaken. Then, the railway sections are shown to have been pushed into a sterile wilderness, where the foot of white men have never trod, except those of the engineers, and stopped there with a missing link of one hundred and eighty miles—an unpardonable blunder. It does not follow that because we are pledged to British Columbia to build a Pacific railway that we are to allow this Government to throw away money—millions of money—on steel rails, Kamisistiquia lands, (a waste of seventy thousand dollars) with Goderich Harbor and other jobs. The country will be pleased to find that there are hon. gentlemen in this House who, from personal knowledge and observation, have made themselves so thoroughly conversant with these matters that they can bring them to the notice of the House and the public. We are pledged, and the public faith of the country demands of us, to build the railway to British Columbia as quickly as the public interest and the revenue of the country will justify it, but when we find these vast sums of money wastefully, ille-

*Hon. Mr. Kaulbach.*

gally and improperly expended in useless and impracticable works; when we have such a marvellous exhibition of waste of public money; when we find the Government so incapable of administering the public affairs of the country, it is well we have hon. gentlemen amongst us who can bring these matters so forcibly before the notice of the people.

Hon. Mr. MACPHERSON—It seems to me that the Secretary of State has explained the policy of the Government when he says that all the Government considered it necessary to do was to spend money, nominally in the construction of the Pacific Railway, whether it happened to be so or not. The state of feeling in the country, he says, demanded that the money should be spent, and spent it was accordingly. Unfortunately, while they were expending it under the name of the Pacific Railway, they spent it on the Fort Francis Lock, while, so far as the purposes of the Pacific Railway are concerned, they might as well have spent the money on the Gatineau. I do not know whether the hon. gentleman intended the House to understand that the Government still expect to use the water stretch from Port Savanne to Rainy Lake or not, for the general purposes of the railway. In his first speech I understood him to say the Government had abandoned that idea.

Hon. Mr. SCOTT—No, only to a limited extent.

Hon. Mr. MACPHERSON—In the hon. gentleman's second speech he rather seemed to revert to that and say that the Government did intend to use it. But the hon. gentleman must know it is altogether impossible to do so. I was under the impression that the Government had something to go upon before they commenced that work—some information, or some estimate of the probable expense. The first communication from the Minister of Public Works in this return, from which I have quoted, is that an estimate of the cost of the works, prepared by Mr. Hazlewood, had been mislaid, and that he had been written to for another copy. I have learned this evening that the missing paper has been laid on the table of the other House, and that it contains no estimate of the cost of the work. There is an approximate estimate of the quantities, but no estimate whatever of the probable

cost. There is one fact connected with this work which is entirely new. I think its construction is the first subject of complaint that has been made from this side of the House to which the hon. Secretary of State has not replied that it had been inherited from the former Government, or had been suggested by some one in the employ of their predecessors. This work is certainly no legacy. It belongs to the present Government, and to them alone, and the mistake is altogether unaccountable if not unpardonable. I regret that the hon. gentleman from Lambton (Mr. Brown) is not at present in his seat. If my motion had anything to do with bringing him back to the House, even for one day, I am glad. I am sure the House is glad he has returned. He has described himself as a sort of political Rip-Van-Winkle awakening to activity in the sphere in which he formerly played a very prominent part—and he still occupies a very prominent place in Canada. He almost complained of the moderation of my introductory remarks. I was not moving a vote of want of confidence in the Government. If the hon. gentleman had been here a week ago he would have heard me speak in very condemnatory terms of some acts of the Government, and the very incidents of this work at Fort Francis were among those I charged against the Administration. There are the rails, which the Government, after having them transported to Manitoba three years ago at an enormous expense for the Pembina Branch, have handed over to the contractor for the extension of that branch to the main line, so that new rails will have to be transported by the Red River for the Pembina Branch, south of Winnipeg, and also for the main line. Then, there is the Welland Canal, and other matters, which I will not go into now. The hon. gentleman suggested that if we disapproved of the policy of the Government, and the expenditure of the Government, we should have voted "nay" when the Supply Bill was before this House. That certainly would be an extraordinary course to pursue. Certainly, it is an extraordinary advice to come from one who counsels moderation in this House. That would be an extreme step to take. The hon. gentleman spoke of the many offences committed by the late Government, and gave that as a reason why the

*Hon. Mr. Macpherson.*

present Government should be mercifully dealt with. But he should remember that the late Government were punished. They were ejected from power, and it will be well for the representatives of the people to judge the present Government in the same way, and not to deal too lightly with their mistakes and blunders. On every occasion in which this Fort Francis Lock has been spoken of, in either House of Parliament, it has been described as part of the Pacific Railway, and the votes that were obtained for it, unless it can be used as part of the through communication, were obtained under false pretences. If the money had been asked for to build a canal for the Minnesota lumber trade, Parliament would not have voted it, and if it was not for the Pacific Railway, the Government certainly did very wrong in misrepresenting the facts to Parliament.

The motion was agreed to, and the House adjourned at 9.18 p.m.

## THE SENATE.

*Wednesday, Feb. 27th.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

## BILLS INTRODUCED.

### FIRST READING.

Bill. "An Act to Incorporate the Dominion Company" (Hon. Mr. Campbell.)

Bill. "An Act respecting the Montreal and City of Ottawa Junction Railway Company." (Hon. Mr. Skead.)

## ADMINISTRATION OF DOMINION LANDS.

### MOTION FOR RETURNS.

Hon. Mr. GIRARD moved

"That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all Reports made to the Minister, charged

“with the Administration of Dominion Lands, as well as of all documents and evidence forming part thereof, under the Act 38 Victoria, chapter 53, by any Commissioner or Commissioners appointed under the said Act:—also copies of all lists of lands prepared from time to time by the Surveyor General of Dominion Lands, in accordance with the provisions of the eighth section of the said Act.

He said this was a question of great importance. His object in making this motion was to ascertain whether the law passed in 1875 had been put into execution or not. That Act had been passed to obviate difficulties in reference to the titles of lands in Manitoba. A similar law had been passed in 1872 or 1873 which provided for the settlement of these matters by a commission, and the amended act of 1875 provided that a commission should be issued for the same purpose. The people of Manitoba had waited a long time for the action of that Commission. They were pleased when, last year, they saw Lieut.-Governor Morris appointed as a Commissioner under that Act. They knew his ability and had every confidence in him, on account of his integrity and high social position, and they were sure he would do his best to render justice to the Province. However, it was stated that, owing to some defect in the law, it was found in certain cases that it was impossible to act under it. As he saw by the 10th section of that law, 38 Vic. chap. 53, that the Commissioner is bound to report his decisions to the Minister charged with the administration of Dominion Lands, he had based his motion on that section of the Act, by which it is provided, that the

“Commissioners shall report their decision to the Minister in charge of the Dominion's Lands, who may, if he thinks fit, thereupon cause Her Majesty's Letter Patent under the Great Seal to issue, for granting the lands in question to the party who has been reported as entitled to the same. 38 Vict. ch. 53, sec. 10.”

He did not know how far that provision of the law had been complied with, but he hoped the Government would not have any objection to give what information the public required, for it was important that those difficulties should be settled. Many of the people of Manitoba had been living up to the present time on lands for which they had no title. Previous to Confederation, the only title to the pro-

*Hon. Mr. Girard.*

perty there was that which was registered in the land books of the Hudson's Bay Company. At the present time there was such uneasiness on the part of those whose titles had not been confirmed by the Dominion Government that they had no encouragement to go on and improve their properties, for fear they would ultimately be lost to them. Eight years had passed since the Government had undertaken the settlement of this matter, but it appeared very little progress had been made. If there were obstacles in the way they should be removed at once, as people would get tired of living on lands to which they had no title, and would emigrate to the Western States, where they could get lands they could call their own. It was a very serious question for the Government; they gave liberally from the public chest to promote the colonization of that country, but by want of a wise administration of the lands, all the money they expended would profit the United States and not the Dominion? He would be in a position to cite facts to prove what he had stated, and if these difficulties were not removed, the Government would see the best settlers leaving the Province, and crossing the line.

Hon. Mr. SCOTT—Under the Act of 1875, the Governor in Council was authorized to appoint a Commissioner to investigate those claims to which my hon. friend has reference, and Mr. Morris, the late Lieutenant-Governor of Manitoba, was the gentleman who was named Commissioner. I am advised that he has had a certain number of cases—not more than twelve—under his consideration, and about forty others have been settled without his interference—settled in his presence, on particular days which he announced he would adjudicate on such cases. He has, I understand, made his report; that report would only involve the twelve cases referred to—possibly, the others may be included, but as they were settled without his interference, I do not know that any judicial report will appear. In the Act, there is a clause authorizing the Minister of the Interior to revise that report, and to allow parties to appeal against it during a period of three months. That three months has not expired, and pending any possibility of the parties appealing against the Commissioner's decision, it would not be proper to bring the

papers down. With reference to the lists, there is no objection to the copies being brought down. I have been informed that they have been published in Manitoba—in the papers there. I have been so informed by Mr. Dennis, the Surveyor General. At the expiration of the three months' term, I shall be very glad to furnish the reports, but until then, I do not think it would be proper to bring them down.

Hon. Mr. GIRARD—I will make the motion, and the papers can be transmitted to me after the term expires.

Motion agreed to.

### PARLIAMENTARY PRINTING.

#### CONSIDERATION OF THE SECOND REPORT OF THE PRINTING COMMITTEE.

Hon. Mr. SIMPSON moved the adoption of the second report of the Joint Committee of the Senate and House of Commons on the Printing of Parliament.

Hon. Mr. MILLER said he thought it was quite proper that he should say a word or two on a matter which should engage the attention of the Committee on Printing. The hon. gentleman who was chairman of that committee had done a great deal towards economizing the expenditures for that service, for which he deserved well of the country. Still, there was room for a great deal more retrenchment and economy. Members of this House and of the other House were furnished with a large number of useless copies of blue books which, he presumed, in nine cases out of ten were used for fuel or for similar purposes, and not for the public advantage. He did not see the necessity for furnishing each member of the House with five copies of the various documents, blue books and sessional papers that were printed. He had heard several gentlemen say that a large quantity they received were merely lumber and of no service whatever. The public did not care for them. Gentlemen in this House who formerly had constituents, and who could in that way get rid of the useless printed matter furnished by Parliament, found that their late constituents did not care anything about them. Therefore, he did not see why the country should be put to the expense of printing those books

*Hon. Mr. Scott.*

in such large quantities. He thought it was a subject for the committee; they might recommend that fewer of those reports, blue-books and papers—which cost a great deal of money—be printed, and thereby a large annual expenditure could be saved to the country. He threw out those few remarks because he had recently conferred with members of the House and all that he had spoken to seemed to be of one opinion. At any rate, he thought it his duty to bring this subject before the House, and if there were other members who entertained a different opinion he would be very glad to hear them ventilate it.

Hon. Mr. SIMPSON said when the two provinces of Upper and Lower Canada were united, the expenses connected with parliamentary printing were about \$173,000 a year. He had devoted himself for some months to seeing if he could bring about a change for the better. In this he had been very well supported by some hon. gentlemen in this House and by some gentlemen in the other House, especially by the late Chancellor Van-koughnet. They managed to bring the expenditure down from \$173,000 to \$30,000 a year, and they had more efficiency and certainly more work. He was sorry to say that in consequence of the great number of returns asked for the printing during the past two or three years had materially increased. The schedule for the distribution of blue books to each member of both houses had been gone over three or four times, but his own opinion was that they got too many of those books. He had a large room at his home in Bowmanville, with fully three tons of them. He told people who asked for them to go to his room and take away as many as they could carry, but they still accumulated. He could not say that he was an exception in this way. What he received now he had made arrangements to have them distributed for him. The principal expense of printing was the enormous number of returns asked for. Last year they had double the number that they had three years ago, although the committee had refused to print a great many of them. When the type for the blue books was set the expense for printing off extra copies was not large, as it only involved the paper, press work and binding. Last year they had

brought the printing expenses down to \$63,000, and they were trying this year to keep it under \$60,000, though they were asking for \$70,000 from the Government. The suggestions of his hon. friend were valuable, and his impression was there were a number of gentlemen on the Committee who were anxious to overhaul the whole printing service. Mr. Hartney, the very efficient clerk of the committee was anxious to have a revision of the whole system, and had some suggestions to make that he thought would effect a great saving to the country if they were adopted.

The report was adopted, and the House adjourned at 4 p.m.

### THE SENATE.

Thursday, March 7th, 1878.

The SPEAKER took the chair at 8 p.m.

After Routine proceedings.

### THE JOHNSTON DIVORCE BILL.

#### SECOND READING.

Hon. Mr. PENNY presented to the House a certificate from the Clerk of the Senate that due notice had been given *in re* Johnston, for a Bill of Divorce.

Andrew Cullen, of the City of Montreal, detective, was called to the Bar of the House, and testified to having served a duplicate of the Bill before the House and the order of the House, on Charlotte Elsie McArthur, wife of the petitioner. The witness having withdrawn,

Hon. Mr. PENNY moved :—

“ That the examination of the petitioner at the Bar of the Senate, as well generally as in regard to any collusion or connivance between the parties, be for the present dispensed with, but that it be an instruction to the Committee, to whom the Bill may be referred, to make such examination.”

The motion was agreed to on a division.

Hon. Mr. PENNY moved that Bill (A.) for the relief of George Frothingham Johnston, be read the second time.

Hon. Mr. TRUDEL said he did not intend to raise any discussion on the matter, but he thought it proper that the names should be taken down.

*Hon. Mr. Simpson.*

A vote was taken on the motion, which was carried on the following division :—

#### CONTENTS :

##### Hon. Messrs.

Aikins,	McLelan, ( <i>Hopewell</i> ),
Alexander	McDonald, ( <i>Toronto</i> ),
Benson,	McMaster,
Botsford,	MacDonald, ( <i>Victoria</i> ),
Campbell,	Macfarlane,
Christie ( <i>Speaker</i> ),	Macpherson,
Cornwall,	Montgomery,
Dickson,	Northup,
Ferguson,	Odell,
Glasier,	Penny,
Grant,	Read,
Hamilton ( <i>Kingston</i> ),	Seymour,
Haviland,	Skead,
Haythorne,	Stevens,
Hope,	Sutherland,
Kaulbach,	Wark,
Lewin,	Wilmot.—34

#### NON CONTENTS :

##### Hon. Messrs.

Armand,	Dumouchel,
Baillargeon,	Girard,
Bellerose,	Howlan,
Bourinot,	Pelletier,
Bureau,	Power,
Chaffers,	Price,
Cormier,	Trudel.—15
Dever,	

The Bill was then read the second time.

Hon. Mr. PENNY moved :

“ That the said Bill be referred to a Select Committee, composed of the Honorable Messieurs McLelan, Stevens, Dickson, Odell, Haythorne, Allan, Macpherson, Lewin and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and that the exemption of the proceedings to final Judgment in the Superior Court of the Province of Quebec in the case of Johnston *vs.* Fisk, presented to the Senate on the reading of the petition of the said George Frothingham Johnston, be referred to the said Committee, and that all persons summoned to appear before the Senate in this matter, appear before the said Committee, and that the said Committee have leave to sit on Saturday, and other non-sitting days.”

The motion was agreed to on a division.

### DOMINION COMPANY'S INCORPORATION BILL.

#### SECOND READING.

Hon. Mr. CAMPBELL moved the second reading of Bill (E.) to incorporate

the Dominion Company. He said the object of the Bill was to incorporate some gentlemen who desired to lease and run railways. It was suggested, no doubt, by the position of certain railways owned by the Dominion and by some of the Provinces, which either were, or were likely to be, leased to private companies.

Hon. Mr. BUREAU thought that the object of the Bill should be more fully explained, as it was a most important matter. He had not read the measure, but he wished to know if it was intended to over ride the General Railway Act, and to organize a number of gentlemen as a company, with power to lease and buy and sell railroads without any control of Parliament, notwithstanding the interest which the public generally, and certain municipalites, might have in such roads? He was always afraid of those amalgamations. In fact they were always dangerous, and for his part, he would be very careful how he allowed such a measure as this to pass. He thought it was but fair, when such extraordinary powers were asked for, that the House should be informed what this company proposed to do. Where were those railways they intended to run? A great deal of money had been spent in this Dominion to establish railroad communication to all parts of it, and what had been the result in many instances? One company opposed another until either was reduced to poverty and was obliged to succumb, to the disadvantage of the public interested in such roads. He believed the Government ought to have some policy on such matters, so that when measures like this were introduced it should be announced. This Government which he sustained—he thought it the best Government the country could have at present—ought to tell the House what their policy was for the future. Large amounts of money had been borrowed in England and invested in many ways in *bona fide* enterprises in this country. What would the result be? In a few years many of those railways would be in a bankrupt condition. Parliament gave acts of incorporation right and left, and to organizations which applied for such acts without declaring what their intentions were. He did not wish to make a long speech, but he desired at the outset to state his reasons for warning the House to be care-

Hon. Mr. Campbell.

ful in dealing with such bills as this. The legislation in the last session of every parliament was usually of a most dangerous character. The House of Commons seemed afraid to oppose any scheme in which the friends of some hon. gentlemen were interested. The Senate, however, should have only the public welfare to promote, and he had no doubt his hon. friend (Mr. Campbell) would be careful that the public interests would be served before private interests.

Hon. Mr. CAMPBELL said he was afraid he had been remiss in not stating more fully the objects of the Bill, but, in truth, it was not printed before he left town, and he had not had an opportunity to read it. The powers asked for were fully stated in the second clause, which was as follows:—

- “ 2. The said Company shall have full power  
 “ and authority from time to time to do  
 “ any and all of the following things, that is to  
 “ say :
- “ (a). To enter into arrangements with any  
 “ railway company to construct, complete and  
 “ work, or either, the railway or undertaking  
 “ of such company ; and to hold real estate and  
 “ land in connection therewith, or with any of  
 “ the purposes of the Company ;
- “ (b). To purchase or lease any railway, and  
 “ work the same for such time and on such  
 “ terms and conditions as the Company owning  
 “ the line and the Company incorporated by  
 “ this Act may agree upon ;
- “ (c). To build and lease elevators, stations,  
 “ locomotive sheds, machine shops, and such  
 “ like structures to railway companies or,  
 “ where necessary in working a leased line, to  
 “ lease elevators and any and all other such  
 “ like appliances from others, when convenient  
 “ and necessary for the full equipment and  
 “ proper working of any railway ;
- “ (d). To build, purchase or lease rolling  
 “ stock of all kinds, or to manufacture, sell or  
 “ lease such property to any railway company ;
- “ (e). To take and hold or sell any shares in  
 “ the capital stock of any railway company, or  
 “ any of the securities thereof ;
- “ (f). To purchase, lease or rent any col-  
 “ liery ;
- “ and generally full power and authority to do  
 “ any and all acts necessary to the full, benefi-  
 “ cial and proper execution of any and all of  
 “ said powers.

He really did not know whether there was any objection to giving them the powers asked for, but he was quite as disposed as his hon. friend opposite (Mr. Bureau), to be careful in such legislation. He had been induced to take charge of this Bill from the names mentioned in it. The promoters were gentlemen entitled to every confidence. They were Sir A. T.

Galt, Geo. Stephen, John Rankin, Gilbert Scott, Samuel Waddell, and other wealthy gentlemen in Montreal. So far as one could see, the character of those who applied for the Bill entitled them to every consideration, and they did not seem to ask for anything very startling. He had no doubt the suggestion he had mentioned before was what had given rise to this measure. There were railways in Quebec which were advertised to be leased. The Dominion Government also owned railways such as the Intercolonial, the smaller railways in the Lower Provinces, the Prince Edward Island Railway, and other roads of a similar character, which this Bill would enable the gentlemen who sought to be incorporated to lease and operate, and it was not improbable that they were actuated by that desire. There was no reason, in the public interest, why gentlemen of standing, such as these gentlemen were, should not be incorporated for the purpose of leasing and operating such railways. If there was any objection to the details of the Bill—if the powers sought for were excessive—no doubt the committee, to which it would be referred, would give it ample consideration, and if the hon. gentleman (Mr. Bureau) had any objections to make, they would, no doubt, be entertained with the greatest deference.

Hon. Mr. BUREAU said he was opposed to the principle of such bills, because they did not protect the public interest. When any amalgamation of railways was to take place, there was something more than the interests of the companies to be consulted. Take for instance, some of the roads in Quebec, where not a cent was subscribed by the shareholders; would the House give them power to sell such railways, which had been built by public money? He thought in all such cases application should be made to Parliament, and the proper time to grant such powers would be when the applicants specified the road which they wanted to purchase or lease. Then all parties could come before the Legislature and have their interests protected; but this was all in the dark. They wished to put aside the General Railway Act of 1868. He thought his hon. friend, himself, would be the very first to oppose such a principle. He (Mr. Bureau) wished to draw the attention of the Senate to the fact that this was the

*Hon. Mr. Campbell.*

first time that such extraordinary powers had been asked for, either in this House or in any legislative body.

Hon. Mr. CAMPBELL—I think it is quite consistent with the General Railway Act of 1868.

Hon. Mr. BUREAU—The General Railway Act of 1868 provides in a very wise manner for exchanges of traffic and running powers, and this, I should think, ought to be quite sufficient for all purposes, without enacting such exceptional legislation as this.

Hon. Mr. CAMPBELL—This Bill does not alter that clause. If the company incorporated by this Act were to take possession of one of those railways having running powers in connection with another road, they would have to continue to run it under that arrangement.

The Bill was read the second time.

The House adjourned at 9 p.m.

## THE SENATE.

*Friday, March 8th.*

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings.

## IMPORTS OF WOODS FROM THE UNITED STATES.

### MOTION FOR A RETURN.

Hon. Mr. PRICE moved:—

“That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to lay before this House, the following Return:—

“1st. The total quantities and their value of the Square White Pine, Pine Board Timber, Pine Masts and Spars, Square Timber of Oak, Elm, Ash, Whitewood, Walnut, Hickory, Red Pine or any other Hewn Timber.

“2nd. The total quantities, description and the value of the Red and White Oak Staves.

“3rd. The total quantities and their value of Sawed Lumber, in White and Red Pine, Walnut, Whitewood, Oak, Elm, Ash or any other sawed lumber, imported into Canada by water or by rail between the 1st April, 1877, and 1st January, 1878, from the United States of America, and at what Port or Station they were delivered, for landing or for shipment from Canada.”

He said—I have been looking over the Trade and Navigation reports, and I find that there is no statement which can be brought up here as a correct return of what has been imported into the Dominion during the past year. All those woods pay no duty, and perhaps the Government have not taken any notice of them in their report, but they should be in the Customs returns either as imports by rail or canal. I hope the return I ask for will be brought down as soon as possible, as there is an impression in Quebec that a very large portion of these woods that are exported at that city are from the United States. I think it is desirable that we should have a statement before the House on which we can rely, so as to see if a change cannot be made whereby we can meet our friends on the other side with a reciprocal duty.

Hon. Mr. SCOTT—My hon. friend seems to be under the impression that a quantity considerably in excess of that mentioned in the Trade and Navigation returns has been imported. As far as I have been able to gather from the returns, the amount is small. Omitting altogether the finer kinds of wood, such as mahogany, rosewood, etc.

Hon. Mr. PRICE—I do not refer to such woods.

Hon. Mr. SCOTT—Well, I suppose my hon. friend has reference altogether to pine. The quantity of pine imported in 1876 was \$330,000, in value; and for the last six months, \$281,000. It is possible that a good deal of timber goes to Quebec and is immediately shipped to England. It possibly comes through in bond and would not be noted in a return of this kind. Shipments that go by rail from Michigan to Portland, in bond through Canada, would not be taken into account in our returns, but any timber absolutely purchased in Quebec or at any point in Canada, would necessarily be included in these returns, so there must be some misconception as to the quantity imported. In Manitoba, a very considerable amount is imported, taking into account the large quantity purchased in Quebec for shipment.

Hon. Mr. PRICE—The hon. Secretary of State is wrong there, for no matter whether goods come in bond or not, the

Hon. Mr. Price.

value should be given to the Customs authorities. There are over 2,000,000 feet of oak alone shipped from Quebec, coming from the United States, and that has been worth as much as 48 cents per foot. I expect as much as 3,000,000 feet of timber was shipped to Quebec alone, yet I cannot find any mention of the fact in the returns. I hope a statement will be brought down on which we can rely.

The motion was agreed to.

## TITLES OF LANDS IN MANITOBA.

### MOTION FOR RETURNS.

Hon. Mr. GIRARD moved:—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all letters and Orders in Council, on the subject of the lands at the place known by the name of Rat River Settlement, and on the Red River, in the County of Provencher, as well as in the settlement at La Petite Pointe de Chenes, in the Parish of Loretto, in the County of Selkirk, in the Province of Manitoba, taken possession of by actual settlement before or after the admission of the North-Western Territory into the Dominion, without regard to the improvements made upon those lands; and also on the subject of lands of which possession had been taken by residents in the country long before such admission, but which were not at the time thereof visibly occupied by them.”

He said—Perhaps I should ask the indulgence of the House for bringing up Manitoba and its interests, so often before this House.

Hon. gentlemen—Quite right.

Hon. Mr. GIRARD—The question which I now submit for the consideration of this honorable House, is a most important one. I may say it is one of life or death to our Province, because, if settlement is facilitated, it means prosperity, but if retarded, it means a stop to our progress. Obstructions have existed for some time to the settlement of our lands. Many families have come to our Province, but, finding no lands suitable or convenient for settlement, have gone to Minnesota. Have the Government done all in their power to prevent that? I have grave doubts of it. I know in some cases they have acted with liberality, but in others unnecessary difficulties have been thrown in the way. Much money has been spent to send settlers to Mani-

toba. That is all right, but when they arrive in the Province, facilities should be afforded them to remain there. The difficulties to which I would now call attention are of a very serious character. The old settlers are now established at a place called Rat River. That is not a new settlement. They have been there for years—if my information is correct, for over ten years prior to the transfer of the country to Canada. Some of them went there to choose for themselves what they call a winter settlement. They were going there in winter time, because they found facilities for getting water, hay and wood, which were not easily found in other parts of the Province. They chose their lots, they have been acknowledged as the owners of those lots and have been taxed for church and school purposes. They find now that their titles are contested, and they are no longer the owners of their lands. I see in a Manitoba paper the following Order-in-Council:—

*Copy of the Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 20th April, 1876.*

“On a memorandum dated the 29th January, 1876, from the Honourable the Minister of the Interior reporting the existence of certain claims to land in Manitoba, which, he states, do not come clearly within those provided for under the law as it now stands.

“The Minister states that these claims may be described and classified as follows, that is to say:—

“1. The lands taken up antecedent to a date six months previous to the transfer of the North-West Territories to the Dominion, in accordance with the usage of the country as recognized by the Council of Assiniboia, such proceeding being to employ one of the two surveyors in the colony to survey and lay out the land.

“In some cases, the Minister observes, the persons so taking up lands went into, and have remained in, constant occupation thereof; in others little or no improvement was made; but the ownership of the lands has always been recognized in the community.

“2. Lands alleged to have been taken up, but which were not surveyed as above or occupied, but merely marked out by the claimants by stakes, prior to 15th July, 1870.

“As regards the first of the two classes described above, the Minister, in view of the fact that such was the usage in the Red River settlement in acquiring land previous to the transfer, recommends that such claims be allowed, and suggests with that view that a return of all such be made by the Agent of the Dominion Lands, upon which the necessary authority may be obtained by law for granting patents for the same.

*Hon. Mr. Girard.*

“The second class the Minister submits are not entitled to consideration.

“He remarks, that the mode proposed of dealing with, the above two classes is consistent with the opinion of the Honourable the Minister of Justice in respect of such claims.”

(Signed)

W. A. HIMSWORTH,

C. P. C.

I respectfully take the liberty to differ in opinion from that, because in the fourth sub-section of the 32nd section of 33 Vic., Cap. 3, it is stated that all persons in peaceful possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian title has not been extinguished, shall have the right of pre-emption of the same, on such terms as may be provided by the Governor in Council. These provisions were subsequently amended by a law passed in 1874, Chap. 20. We see in the third section of that Act:—

“Whereas it is expedient to afford facilities to parties claiming lands under the third and fourth sub-sections of the thirty-second section of the Act thirty-third Vic., Chapter three, to obtain Letters Patent for the same—  
“Be it enacted, that persons satisfactorily establishing undisturbed occupancy of any lands within the Province, prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim, in actual and peaceable possession thereof on the eighth day of March, one thousand eight hundred and sixty-nine, shall be entitled to receive Letters Patent therefor, granting the same absolutely to them respectively in fee simple.”

The cause of the whole difficulty has been the limiting of the time to the eighth of March, when it should have been the date of the transfer of the Province to the Dominion, the 15th of July 1870. That is acknowledged in the Act 38 Vic., Cap. 52, where it is enacted that persons in actual peaceable possession of lands, on the fifteen day of July, one thousand eight hundred and seventy, shall be entitled to receive Letters Patent therefor, granting the same absolutely to them respectively in fee simple. I have never been able to understand why such importance has been attached to the eighth of March 1869. The opinion of people in Manitoba is, that parties who were in possession of lands at the time of the transfer of the country should receive Letters Patent. I hope the Government will see their way clear to amending the Order-in-Council in such a way as to protect the interests of the people of Manitoba, be-

cause there is great uneasiness in the Province on this subject. We cannot understand why so many improvements are requisite when the law merely requires peaceable possession at the time of the transfer. Peaceable possession does not involve the cultivation of the land or any portion of it. Under the law of Manitoba, all those in possession of lands at the time of the transfer were entitled to Letters Patent. They had the right of pre-emption, and what that right is has been explained from time to time—that those who were in possession should be treated the same as those who held lands by title from the Hudson's Bay Company. Everyone must admit it is time to give peace and quietness to Manitoba in reference to that question of lands. Just at the time when we expected to have a solution of the difficulty, it appears to be more complicated than ever. We expected liberal treatment, but now we hear of confiscation everywhere. The people are told they cannot remain any longer on the lands on which they have been settled for years and which they have been working for the benefit of themselves and their families. This is a sad state of affairs. I regret to see that so little has been done to settle conflicting claims under the law enacted for that purpose. I cannot understand how the Government can remain passive when its intervention is so greatly needed. I do not know of a single case which has been settled under that Act. The Commission which was organized for a while has ceased to exist. If the Government do not think proper to revive it, I would advise some member of the Cabinet to come to our Province and settle there, and give us the justice to which we are entitled, instead of deciding questions here and telling us if we have not done such and such a thing we may go into exile, because we no longer have a right to hold our lands. Give our people a chance to be heard and to explain our case, and then we are willing to submit to the judgment, whatever it may be. If it can be proved that they are not entitled to their lands, they will accept a legal decision to that effect, but it is unfair to impose conditions here without giving the parties who are interested a chance to be heard. I think upon that point the Government have not done justice to our Province, and I hope they will see that

*Hon. Mr. Girard.*

the question is one which deserves their most careful consideration. There are some of our people who are in a less favorable position than those to whom I specially refer—we call them "squatters." After having waited six or seven years, I think, in view of the fact that they are actual settlers, they are fairly entitled to land for themselves and their families. The Government promised to decide the questions in reference to lands on the Red River and the Assinaboine River. There were parts of those lands which were to be settled; they were the best suited for settlement, because there was plenty of wood and water there. After having awaited the action of the Government for some years and seeing that they were not fulfilling their promise—because it was told us, and there was even correspondence to that effect—that the Government would sell these lands soon, and offer every facility to settlers to procure property on the best terms—they went and settled expecting the Government to act with the greatest liberality to them. Now, the Government are asking five dollars per acre for those lands. That may not seem an extraordinary price, but it looks excessive compared with what the Government ask for land in other parts of the Province,—one dollar per acre. It seems to me if the Government were to render justice to the people they would not have asked anything for their lands, seeing that they granted the right of homestead everywhere else. These people settled there in good faith, put up houses and other buildings, fenced in their lands, and proceeded to cultivate the soil, and it seems too hard that the Government should refuse to give them titles to their properties. Then there are other obstructions—there are too many reserves. There are half-breed reserves, but I hope that question will be settled before long. There is the school reserve, the Mennonite reserve, the Icelandic reserve, and the railway reserve. In every way it is discouraging to settlers coming into that country, to find that the most available places for settlement are not open to them. It is the duty of the Government, when they are appropriating the people's money to send settlers into the North-West, to find places for them to settle on when they get there. More than one in every ten settlers who go there become

discouraged by the difficulties in the way of procuring land, and take their families to Minnesota or Dakota, and settle there. This is certainly a painful fact, and if I call the attention of the Government to it, it is not only in the interest of my own Province, but of the whole Dominion. When Manitoba is settled it will be a source of great profit to the Dominion; but unless something is done to remove the obstacles which now exist in the way of settlement, it will be a long time before much is accomplished. I cannot understand how the Government can refuse Letters Patent to those people whose cause I am advocating, because, according to the laws of Manitoba, they have a right to them. By an Order-in-Council you cannot override the law of the land. In 1870, after the passage of the Manitoba Act, and the appropriation of 1,400,000 acres of land to the half-breeds, the Government thought proper to give a share of those lands to the parents of half-breed children; but they were forced subsequently to pass a law declaring that the Order-in-Council had no effect whatever, and that the 1,400,000 acres of land would go exclusively to half-breed children. At the same time, as the door was once opened, we were obliged to grant to the parents of the children a certain amount of lands too, for rights which they, very likely, would not have claimed. It was the same in 1869, when a law was passed fixing the time of possession at the 8th of March, 1869, as if the transfer had taken place at that date, when it was known that it was some months subsequently—the 15th July—that it did occur. That law was passed, but it took no effect, and two years afterwards we had to pass another law by which we acknowledged that the date of transfer was the 16th July 1870, and all those who were in peaceable possession of lands at that time were entitled to Letters Patent. Every one understands what the term “peaceable possession” means. It does not mean actual occupancy but ownership, and I say nothing more is necessary than to bring witnesses to prove the ownership of the lands; no survey should be requisite. I think the Government rely too much upon their employees, and if they knew what an immense amount of money has been wasted in that way, I think they would not rely so much upon the reports from their employees in reference to these

*Hon. Mr. Girard.*

lands. They may be very good people; but we know the zeal of those employees. They wish to do something to prove their good services, and too often by that they place their masters in a false position. I would advise most respectfully that some member or members of the Government go out to Manitoba and judge these matters for themselves, and not repose such confidence in their employees. When these papers are produced, the people who are interested can more easily ask from the Government what they believe they are entitled to. I am sure when the question is better understood—because it has not been understood as it should have been—that the Government will not refuse to the people of Manitoba the protection they now require.

Hon. Mr. SUTHERLAND—I know it is somewhat disagreeable that we members from Manitoba are forced to stand up year after year on this question, but I think it will be shown to this honorable House that there must necessarily be something wrong somewhere, because I do not believe that either the hon. gentleman who has just spoken, or myself have unduly pressed matters pertaining to Manitoba upon your attention. I think, on the other hand, we have been rather remiss in pressing forward those questions. I certainly endorse the greater part of what my hon. colleague has stated in regard to these disputed land claims. It is most unfortunate for all parties concerned, that they were not settled long before this. It is now seven years since those first enactments were passed with regard to the lands in our Province, and there are, no doubt, complications that would delay a speedy settlement of some of those questions, but we really cannot help believing that they might have been settled long before this. I believe, myself, that there have been many misrepresentations made to the Government, and that, no doubt, is one reason that some others of those matters were not more speedily dealt with. There is no question that one of the great causes of this delay is the distance of the Capital from Manitoba, and the time necessarily required to transmit despatches from Winnipeg to Ottawa and receive an answer from headquarters. Many parties, as my hon. colleague has stated, are entirely dependent upon those claims. They have nothing else in the

world to make a living, and I certainly think the Government should not deal harshly with them, especially when they allow a grant of 160 acres to every actual settler who goes into the country. I think if the matter is looked into, and the parties who are entitled to hold those lands have no more than the Government usually grant to settlers under the Homestead Act, they will not fail to give them titles for that amount of land. I am aware, personally, that there are claims—some of them very old, yes, of sixty years standing—to which I may be compelled to call the attention of this hon. House shortly. It is very unfortunate and exceedingly disagreeable to have to stand here and find fault with the land administration. Whilst I am ready to give the Government due credit for liberality in some directions, I hope they will look more closely into this matter, and that the grievances which my hon. colleague has so fully represented to this House, will be remedied as far as it can be, at an early date.

Hon. Mr. SCOTT—I do not think my hon. friends from Manitoba are justified in alleging that the policy of the Administration has been other than of the most generous and favorable character towards the actual settlers of Manitoba, and any gentleman investigating either the legislation or the regulations of the Department in reference to the settlement of that country, could come to no other conclusion. In 1870 an Act having reference to this particular subject was passed, providing that:—

“All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian title has not been extinguished, shall have the right of pre-emption of the same on such terms and conditions as may be determined by the Governor in Council.”

Now that covers all parties which were in peaceable possession of that part of Manitoba in which the Indian title had not been extinguished. Subsequent legislation was had in 1875, extending that to lands on which the Indian title had, in the interim, been extinguished. The law is as follows:—

“Be it enacted that persons satisfactorily establishing undisturbed occupancy of any lands within the Province prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim,

*Hon. Mr. Sutherland.*

“in actual peaceable possession thereof, on the fifteenth day of July, one thousand eight hundred and seventy, shall be entitled to receive Letters Patent therefor, granting the same absolutely to them respectively in fee simple.”

Hon. Mr. GIRARD—That is the law; but you should read the preamble in connection with it.

Hon. Mr. SCOTT—In every case where those claims have come before the Government, the policy has been, as I have stated, most liberal and generous in dealing with any possible claim; but there are claims in that country (as there are in every country) of speculators who take up lands, knowing that they will have in the future a considerably increased value, by simply staking them out and claiming them. I cannot understand that there can possibly be any equity about a claim of that kind. It is not one, certainly, contemplated by the Manitoba Act, or any Statutes widening or enlarging that Act. As hon. gentlemen are aware, during the last forty-five years a considerable amount of land has been given, not only to half-breeds and other residents of the country, but to every settler who might have the most remote claim. Some three years ago, when some hon. gentlemen from Manitoba brought the subject before the House, a Bill was then in transit, and we took a step which might not be within our purview, but it was so generally expected, that we inserted a clause which was accepted in the other Chamber, giving large grants asked for by the representatives of the Province. I mention this to show, that on every occasion, there has been a most liberal disposition manifested, not only by the Government, but by the Parliament of Canada, in dealing with all fair claims. But the Department is bound by the Statute with regard to those claims of occupancy, and in the opinion of the Minister of Justice, the word “occupancy” means real possession. Would anyone say that a claim simply staked out, which had never been ploughed or cultivated, on which not even a hut has been constructed, could be considered as occupied in the meaning of the Statute? Consequently, such claims have not been recognized. Applicants may come in as the children of the half-breeds, or as homesteaders, if they wish to take up the ordinary grant of land allotted to such

settlers, so there is no ground for complaint. Those whose claims are now advocated by the hon. gentlemen opposite, are simply those of men who have staked out lands in valuable sections; who have made no improvements on them; who have not occupied them, and who now claim titles. Some of those lands, it appears, were allotted to children of half-breeds, and thus the Commission arose. But, in order that even a wider interpretation might be given than was justified by the Act of Parliament, an Order-in-Council was passed in 1876, which provided that where lands were taken up under the usages of the country, even though not occupied, so long as they were taken up six months anterior to the 15th of July, 1870, should have a pre-emptive right. I understand that usage to mean the surveying and laying off of lands. It would involve a survey.

Hon. Mr. SUTHERLAND—The usage of the country did not go as far as that; the usage was that a man would go and locate land, and possibly, build on it and cultivate it, and not have a survey for some years afterwards.

Hon. Mr. SCOTT—He came in as an occupant, in that case. In any case of that kind, if the land was taken up six months anterior to the 15th day of July 1870, the occupant had the right to claim under that Statute.

Hon. Mr. SUTHERLAND—That was the usage of the country.

Hon. Mr. SCOTT—I accept that explanation, and it is the very ground I took. But to remove all possible ground of complaint, it was provided, in 1876, in any of those cases where there had been "staked" lands, if they had complied with the usages of the country before the cession to Canada, then the claim should prevail and therefore the only class of claims which are cut off is that particular one to which I have already referred. The hon. gentleman went into a discussion into which I do not pretend to follow him, condemning the Government because there were so many reserves. He says, in the first place, there was the Mennonite reserve. The hon. gentleman must be aware that the Mennonite settlement is considered a very important element in that country, and one which is considered a great success. The Mennonites would

*Hon. Mr. Scott.*

never have gone into that country unless lands had been reserved for them, and if there is any hope of acquiring more Mennonites, it is because there are lands set aside for them. Then, as to the Icelandic settlement, surely he does not mean to say it is an embarrassment to the settlers in Manitoba, because it is not in that Province at all but on the lake shore, away beyond Manitoba. Then he speaks of the railway reserves, but the hon. gentleman tried to prove last Session that there were no good lands along the railway; that it was all swamps and quagmires. I am glad to find that there are now good lands along that road. There are certain conditions under which even railway reserves can be taken up, but it would be preposterous to suppose that if the railway is ever to be built those lands could be taken up by settlers at one dollar per acre, because they will soon have greatly enhanced value over lands less favourably situated, and therefore it is not desirable that they should be given away or sold at a low price. On the contrary, I think it is only the duty of the Government to reserve those lands to recoup us for the large outlay on the Pacific Railway. The Orders-in-Council will be brought down, but inasmuch as the claims referred to are only cases which have cropped up every now and then, and which have been referred to the Department, they do not represent the class of cases he wishes to have. If he specifies any, they will be brought down. In the administration of those lands, the desire is always to lean to the occupant if there is the smallest justification for presuming that the occupation is of that character that either the law of the country or the regulations passed from time to time warrant it. But this is a class of cases arising not only in Manitoba but in older Provinces of Canada. I have, probably, as much familiarity with that subject as most hon. gentlemen, for I know what the squatter's claim is. Even at this late day I am informed that the practice is wherever a claim is of a substantial character, the land shall be reserved for the occupant. It is only in the case where there has been no expenditure of muscle, so to speak—where a man has done nothing on the land; where he has gone out, probably, with his gun on his shoulder and put down four stakes on a nice piece of ground—that his claim

is not recognized. It is preposterous to say that we should give a title for lands in such a case. Under the interpretation the hon. gentleman would desire to place upon the occupancy of land, he would be entitled to take up as many tracts of lands as he wished to stake out. I do not think that would be a fair contention. I have no doubt this affects a considerable number of people; not the settler, not the occupant, but the party who has purchased for a small consideration those titles. That is the speculator that the crown is not bound to recognize. It is idle to state that there is no room for settlers going into Manitoba. The reserves have been referred to. We know the Pacific Railway is entirely in one corner of Manitoba. It is in the north-easterly part. The objection of my hon. friend is that it does not go through the centre of Manitoba, and it is scarcely possible that there is any foundation in the statement that it interferes with the settlement of the country.

Hon. Mr. AIKINS—There is a reserve of twenty miles on each side of the railway, and that would bring it as far down as a short distance north of Winnipeg. It takes off all that portion of Manitoba.

Hon. Mr. SCOTT—It is east of the lake.

Hon. Mr. AIKINS—Nearly all the settlements in Manitoba are east and south of the lake, consequently, the Pacific Railway reserve would affect settlement.

Hon. Mr. GIRARD—Because justice is done in one case, that is no reason why injustice should be permitted in another. I do not know whether I have been able to follow the hon. the Secretary of State correctly or not, but it seems to me, from the explanations the hon. gentleman gave, he makes some difference between the provision of the 32nd section of the Manitoba Act, and the 4th sub-section, which provides that those who were in peaceable possession at the time of the transfer would be looked upon as being in possession under a right of pre-emption. If the hon. gentleman would read the preamble of the Act of 1875, he would see the following:—

“Whereas, it is expedient to afford facilities to parties claiming land under the third and fourth sub-sections of the thirty-second sec-

*Hon. Mr. Scott.*

tion of the Act thirty-third Victoria, chapter “three, to obtain Letters Patent for the same, &c.”

It is perfectly clear, it is for those people who were claimants under the title of pre-emption which that law declares are absolutely proprietors of their lots, and those people are certainly entitled to the same consideration as those who were in possession of lands by title from the Hudson Bay Company. It is true, I referred to the reserves in the Province, but it was rather to prove that there were difficulties in the way of settlement than to make a complaint. I know that some of those reserves may exist for the benefit of certain classes of people, but it would have been better in the beginning if such reserves had not been made. I do not complain of their existence, in any way, but I want to prove that the settlers in the country require some protection, because they arrive there tired by the long journey and feel discouraged when they find they cannot get land as easily as they had been led to believe they could on their arrival there. What I complain of is that by the interpretation of the present law the Government assume the right of deciding these matters for themselves. If they give the people the right to appear before a legal tribunal—either a commission or some one specially appointed to hear them—it would be but fair and right. The Government have no more right to take the law into their own hands than an individual has. What I contend is this, that all parties in possession of land on the 15th July, 1870, have a right to keep their lands, having taken possession of them according to the usage of the country. It is not for the Government to say what the usage has been there. It is a matter to be decided on evidence taken on the spot, and in this way alone should it be ascertained. It seems to me that those who have been in possession since 1870, who have paid taxes for schools and churches, cannot be deprived of their property. You must give them a chance to prove their titles, and if there is not sufficient evidence to prove their right to hold their lands, then it will be time enough to dispossess them. I think, under the circumstances, they are justified in asking the Government to give them Letters Patent, and it is unfair for the Government to refuse them that justice

which is usually granted by one individual to another. It is my duty to call the attention of the Government to these facts, and I think when the question is understood better, more satisfactory results will be arrived at.

Hon. Mr. SCOTT—I ask my hon. friend if the usages of the country do not involve either a survey or occupation.

Hon. Mr. GIRARD—My opinion is that a survey is not required.

Hon. Mr. SCOTT—Not if there is occupation; but it is, when there is no occupation.

Hon. Mr. GIRARD—The law says “peaceable possession,” that does not mean actual occupation. As soon as I have my lot assigned to me somewhere, and it is known by the people in the neighborhood that it is my lot, that I am taxed for the support of churches or schools and other purposes, you must acknowledge me as the owner of that lot, and you have no right from the Capital here to say I have no claim to that lot. I think the conduct of the Government is unjust and arbitrary.

Hon. Mr. SCOTT—The Orders-in-Council will come down, but I hope my hon. friend will not press for all the individual cases that have arisen. If there are particular cases he wishes me to bring down, I shall produce them, but it is idle to ask for the whole of them.

Hon. Mr. CAMPBELL—It might be understood that after the hon. gentleman has seen the Orders-in-Council he can move for any special cases he wishes.

Hon. Mr. SCOTT—Yes.

Hon. Mr. GIRARD—That will suit me.

The motion was accordingly amended as proposed, and agreed to.

## THE HUNTER DIVORCE BILL.

### SECOND READING.

Hon. Mr. AIKINS presented to the House the certificate of the Clerk of the Senate, that notice of the second reading of the Bill to dissolve the marriage of Hugh Hunter with his wife, had been posted at the doors of the Senate, as required by the order of the House.

*Hon. Mr. Girard.*

Mr. Wilkins Brownlow Butler, of the city of Toronto, land agent, was then called to the Bar of the Senate and testified to having served a copy of the Bill and of the Order of the House on Catherine Hunter, wife of the petitioner. The witness then withdrew.

Hon. Mr. AIKINS moved :—

“That the examination of the Petitioner in this matter, at the Bar of the Senate, as well generally as in regard to any collusion or connivance between the parties be for the present dispensed with, but that it be an instruction to any Committee to whom the Bill upon the subject may be referred to make such examination.”

The motion was agreed to on a division.

The Bill was then read the second time, on a division.

Hon. Mr. AIKINS moved :—

“That the said Bill be referred to a Select Committee composed of the Honorable Messieurs Dickey, Benson, Botsford, Cornwall, Kaulbach, Seymour, Macfarlane, Haviland and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and that all persons summoned to appear before the Senate in this matter appear before the said Committee, and that the said Committee have leave to sit on Saturdays, and other non-sitting days.”

The motion was agreed to, on a division.

Hon. Mr. MILLER called attention to the fact that the words “and that the said Committee have leave to sit on Saturdays and other non-sitting days,” in the foregoing motion, were unnecessary, as Committees of the House of Lords (from which the Senate drew its precedents) had the right to meet on non-sitting days.

After some discussion,

The SPEAKER ruled that this view was quite correct, May laying down the rule that Select Committees of the House of Lords may sit, notwithstanding any adjournment of the House, without any express leave. As the Senate had no special rule on this point, the usage of the House of Lords would be followed.

The House adjourned at 4.45 p.m.

THE SENATE.

Monday, March 11th.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

RIVER IMPROVEMENTS AT OROMOCTO SHOALS.

MOTION FOR PAPERS.

Hon. Mr. WILMOT moved :—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, all reports, surveys, plans, or alteration of plans, contracts and correspondence connected with the improvement of the navigation of the River St. John, at the Oromocto Shoals.”

He said—Many hon. gentlemen in this House have been up the St. John River, and I believe they will agree with me that it is the second in importance, so far as its trade and commerce are concerned, in the Dominion. I think there are between 2,500 and 3,000 miles of navigation on that river and its tributaries. Some few sessions ago, prior to the change of Government, I moved a resolution for the purpose of having a survey of the Oromocto Shoals and of having the navigation over them improved. When I tell you that hundreds of vessels are stopped by that obstruction every year, and obliged to discharge part of their cargoes in order to pass over them, hon. members may imagine the importance of the subject to the people of New Brunswick. A survey was made by an officer of the Public Works Department and his report was handed in to the Minister. In company with several New Brunswick members of both Houses, I went to examine the plans that had been prepared, and each and all of us, without exception, condemned the plans recommended. I will try, as well as I can, to explain the nature of the obstructions and the improvements required. I happen to reside in the immediate vicinity of the Oromocto Shoal, and the plan that is now being carried out starts from my property on the west bank of the River St. John, and passes to the bar extending from the head of an island belonging to me called Thatch Island.

Hon. Mr. Wilmot.

Therefore, you must take with a certain amount of allowance, the statements I make, because I am interested, to a certain extent, in the work that is being done. The plan recommended by the Civil Engineer was to put a dam a few rods below the head of the island belonging to me, and extend it to the interval on the western shore. The breadth of the River St. John opposite where I live is a little over a mile, and the Oromocto River, which is some forty feet deep, (the meaning of the Indian name Oromocto is “deep”) has formed those islands by its confluence with the St. John.

Hon. Mr. SCOTT—Is the mouth of the Oromocto below the islands?

Hon. Mr. WILMOT—Yes. The Oromocto Island is about three miles long, and my own is about a mile in length, from the lower end of the Island to the upper end of the Bar. When you consider that the rise of the St. John in freshet time is 14 to 16 feet, with blocks of ice carried down with the flood, you can imagine what the effect of such a mighty power would be on a dam built on quicksands with each end on alluvial soil. Every man who has had any practical experience of the building of dams—and I have had some myself, as a mill-owner—knows that the spring freshet of the St. John would inevitably wash away such a barrier. Last summer, the same engineer came there with the Member for the county, Mr. C. Burpee, and fixed upon the plan, without consulting either Mr. Glasier, who has lived in that neighborhood all his life, or myself, both members of Parliament. I think it would have been but courteous to have sent for us to see how the improvement should be made. But, fortunately for me, there were other proprietors of land in that vicinity, who protested against it, and that project of putting a dam across there was abandoned. The plan now adopted is to run a wing dam from the west side of the river to strike about two-thirds down the bar of Thatch Island, on the inner side, and it seems to me so preposterous, I can hardly imagine a man possessed of common sense putting a dam inside a bar to deepen the water on the outside of it where the channel is. The water in the channel during the low water in the summer is about seven feet deep, and this dam, con-

structed in that way, would sweep the sand from the island bar into the present channel. How any man could imagine such a work would deepen the channel, I am at a loss to conceive. After it was fixed, I wrote to the Minister of Public Works, and I came up to see him on the subject. I brought with me a letter from Mr. Beckwith, one of our oldest surveyors and engineers in New Brunswick. He had been engaged for years in the improvements on the Upper St. John. I brought with me a letter from this experienced engineer, pointing out what should, in his judgment, be done. After the first plan was abandoned, and I had gone with Mr. Burpee, the Member for that County, to look at what they proposed to adopt in its stead, I thought we had come to the conclusion that the dam should be placed in such a way—and it could have been done if the plan Mr. Beckwith recommended had been adopted—as to carry the channel between the two islands. That is the common-sense way it should be done. It is quicksand, and with some dredging the channel could be kept clear, but unfortunately they have determined to construct it otherwise, and they are going on with the work at present. My hon. friend, the Secretary of State, in referring to something brought up by my hon. friend from Manitoba, said that the Government had pursued a certain course because it was recommended by the engineers. Now, I have arrived at this conclusion:—it seems very strange if the public money is to be wasted and thrown away simply because the engineers say so, and the Government have no responsibility. I do not subscribe to any such doctrine. Look at the purchase of the steel rails! Any man of common sense with any knowledge of the state of commercial affairs, would have said it was an egregious blunder. At a time when values were falling in the markets, would it be said, because an engineer recommended the purchase of those rails, the Government should exercise no judgment? Are they so entirely ignorant of the state of trade as to find it necessary to shelter themselves under the recommendation of an engineer? I have the very highest opinion of Mr. Fleming's capabilities as an engineer, but I know he made a most egregious mistake in New Brunswick

*Hon. Mr. Wilmot.*

when he said it was impossible to carry a railway across the Tobique. One of the cheapest railways in the Province has been built by that very route, and will be carried up to Riviere du Loup.

Hon. Mr. WARK—It was not the Tobique; it was the Restook.

Hon. Mr. WILMOT—I think it was the Tobique. I do not take what the engineers state on any particular work for granted. I examine it and exercise my own common sense as well. I came up to see Mr. Mackenzie, for whom I always had a very high opinion. I thought there was no man in Parliament more competent to manage the Public Works Department than he, but he has had all those facts before him, and has come to the decision I have pointed out. I heard the Hon. Senator from Toronto (Mr. Brown)—he is not now in his place—talk some days ago about \$180,000, spent on the Fort Francis Lock, as a mere drop in the bucket which should be thrown away without objection, but when the people of New Brunswick ask for an improvement on the second largest river in the Dominion, which could be made for a very much less amount than that, they cannot have it properly done. I say it on my own authority, and, I think my hon. friend from Sunbury, who has carried hundreds of thousands of pounds worth of property past this shoal, and been born and brought up in the very vicinity of it, will agree with me that this money is absolutely wasted, and not only that, but the work will be an absolute injury to the navigation of the river, instead of a benefit to it. I feel strongly on this question, because I took an interest in having that improvement made in the first instance, and now, to see the Government acting directly contrary to common sense, forces me to the conclusion that hundreds of thousands of pounds are thrown away on other works in just such a foolish manner as this. That is the inference I cannot help drawing. I took a great deal of trouble to bring the facts of this matter before the Minister of Public Works; I wrote, also, to have the thing kept back until Parliament met, in order that I could get a delegation to go and examine the plans and express their opinions upon them, but no, it was not to be done, and I can only draw the inference that the

reason this money is thrown away is because of the coming elections.

Hon. Mr. MILLER—Oh! oh!

Hon. Mr. WILMOT—I can draw no other inference. I cannot be called a strong party man in any way. Since I have been a member of the Senate I have taken no part in elections. I am expressing my own practical belief and common-sense, when I say that instead of improving the navigation of the St. John, they are injuring it. Fifty years ago I travelled on the Clyde. It was then only navigable for smacks, but now ships of three to four thousand tons can go up to Glasgow. Of course, in improving the river, the engineers acted with, and not against, nature, and confined the water as near as possible to the channel. In that way the quicksands could be washed into deeper water. As it is now, if I have any experience in such matters—and I have been living on the St. John for a great many years—the dam which they are building at the Oromocto Shoals will wash away a portion of Thatch Island into the channel. Steamboat captains, engineers—every person, almost, that I have spoken to on the subject, that knows anything about it—equally condemn the work.

Hon. Mr. BOTSFORD—I know the locality referred to. I have been acquainted all my life with rivers which flow through alluvial soil and I fully concur in everything that has been said with respect to the effect that will be produced by the work (that is now being proceeded with at the Oromocto shoals. I also concur with the hon. mover of this address in the great importance of the River St. John. Since he spoke, I have written down the names of some of the most important tributaries, and I can state from my intimate knowledge of the St. John and the Hudson Rivers—that the St. John is in extent and capacity as large as the Hudson River, but the former has five or six times the number of tributaries running into it; consequently its capacity for business and traffic is very much larger than that of the Hudson. I will just read the names of a few of the tributaries of the St. John River, to give an idea of their extent:—Kennebecasis, Nerepis, Washademoak, Jemseg and Grand Lake, Oromocto, Nashwalk, Tobique, Res-

Hon. Mr. Wilmot.

took, Grand River, Green River, Madawaska and the St. Francis. There are a dozen more that I have not mentioned, because they are not navigable to a great extent by boats, but the streams which I have mentioned are navigable, each of them from thirty to seventy-five miles. This certainly shows the importance of improving the navigation of the River St. John. It is a most difficult thing, every one knows who is acquainted with streams running through alluvial deposits, to know what effect on the navigation any obstruction will have when placed in such rivers. I happen to reside in a country where we have rivers running through alluvial soil very similar to the intervals through which the river St. John runs, only one is fresh water and the other salt water deposit, and I have seen from year to year that a very small obstruction in any part of those rivers will make changes that would astonish any hon. members who are not acquainted with such matters. I know the locality of which the hon. gentleman (Mr. Wilmot) speaks on the river St. John, and I entirely condemn the course which has been adopted with respect to the improvement of the Oromocto shoals. I have no manner of doubt from my own knowledge of the effect of placing obstructions in a river running through such soil, that the result in this case will be to wear away the head of Thatch Island and throw it, as a matter of course, into the channel which they wish to improve. I have no doubt whatever, from my own experience, that it is a most dangerous scheme which is being carried out, and that it will have the effect which the hon. gentleman predicts. The course suggested by the hon. mover of this address is the best mode of improving that shoal. Of course it will be a little more expensive but the expense will be trifling compared with the great advantage to be derived from it. The observations and opinions expressed by the hon. mover of this address are unquestionable, and his deductions on money spent in that way are correct.

Hon. Mr. SKEAD—I have been favored with a sketch of the plan which the hon. gentleman from Sunbury has explained here to day with reference to those dams, I have had some experience myself, during the past thirty-seven years, in dam build-

ing, and on three or four occasions I have seen trouble ensue from building crib work on sand banks and alluvial deposits. I have no hesitation in saying, should the Government attempt to build crib work on the sand bank referred to, it will be a failure. I have seen it tried on the Gatineau and on the Madawaska and it failed in both places, the cribs canting, and in some places upsetting. I have seen where sand has been dredged successfully in Lake St. Peter, but there they found the lowest water where the channel was, excavated the sand and threw it up on the shallow places on either side, so that the current can keep the channel clear. I have seen the locality where they propose to build this dam, and I would suggest, as the only means to retain a channel, to find the deepest water and to pile across the shallow places in the shape of a wing dam, to the height of medium low water, so that spring freshets can pass over it, the material excavated from the channel to be thrown in front of the piles. Once the channel is opened in this way, it will keep itself clear where there is a current. This is a much safer plan, in my opinion, than crib work, as it would be impossible to keep crib work from being undermined and carried away by the freshets. I do not quite endorse all the references that have been made by hon. gentlemen with respect to the waste of public money and to steel rails, as I don't see that the latter has anything to do with dam building at Oromocto Shoals.

Hon. Mr. WILMOT—All I said was this: That I did not think the waste of money in such projects should be put down to the engineers. I think the Government should be held responsible as well as the engineers.

Hon. Mr. SKEAD—I do not know that the Government are altogether responsible for the waste of money in public works, for they have to follow the advice of their engineers.

Hon. Mr. GLASIER—I believe this work, as it is being carried out, is a waste of money. In the first place, I do not think we can ever have such a dam to stand, and in the next place, if it were constructed it would carry away all the interval lands in the vicinity, including the island of the hon. mover of this reso-

*Hon. Mr. Skead.*

lution. I think the whole thing is a foolish expenditure of money, as it has been planned by an engineer who will take no advice, but wants to carry out his own hobby.

Hon. Mr. McCLELAN—I am pretty well acquainted with the River St. John and its importance, and I take it that the hon. gentleman who has moved this address has only the intention or expectation of getting the plans and reports on this work before the House. After they are submitted to us, we can form a better opinion than most of us have at present on the subject. I have no doubt that the grant has been expended with the very best intention possible.

Hon. Mr. WILMOT—No doubt of it.

Hon. Mr. McCLELAN—As to whether there has been any mistake in the matter or not, that can only be ascertained by an examination of the reports and plans, and, therefore, I think it would be better and more consistent to await the bringing down of those papers before entering into a discussion of the subject.

Hon. Mr. SCOTT—This is not an enquiry of the Government, but a motion for papers, to which there can be no objection. My hon. friend who introduced this subject, informed the House that he was very much interested in it, living as he does in the neighbourhood, and having his own ideas as to how the matter should be carried out. That accounts, no doubt, for the amount of warmth he exhibited in speaking on the subject, and the reflections he thought proper to make on the officer of the Department of Public Works deputed to carry out the improvement. I do not think the hon. gentleman can say that the Department ignored him in this matter, because he admits that when the attention of the Public Works Department was called to the plan, it was abandoned, and Mr. Perley was instructed to devise something else. He has now devised this other proposition which seems to be condemned with equal severity by those who have a knowledge of the locality, and who probably have a practical knowledge of what they speak of; but surely it cannot be imagined for a moment that the Government would capriciously decline to receive the second plan of the engineer. He first prepares one plan; that is rejected at the instance

of the hon. Senator, and then he prepares another. If the Government had declined to accept that second plan on the ground of its being defective, the proper way would have been to have dismissed him for want of capacity. It would be quite idle for the Minister to say, in his own department, "Mr. Perley, this does not meet with the approval of the people in the neighborhood, you must prepare another plan." My hon. friend, I presume, does not claim to be an engineer, or to have a knowledge of hydraulics, but simply puts his practical knowledge of the locality against the judgment of the engineer. I do not think that warrants him in attacking the Government, or drawing other matters into the discussion.

Hon. Mr. WILMOT—Mr. Beckwith happens to have a son living at Oromocto. He was on a visit there and saw this work staked out. I never asked him to look at it; it was his own practical knowledge of the River St. John that caused him to write the letter to me, and his opinion on these matters is worth twenty times Mr. Perley's for this reason, when I told him (Mr. Perley) that practical men condemned his plan, he said, "I am a practical man, and I never made a mistake in my life." That is the sort of man that he is.

Hon. Mr. DICKEY—I fear the hon. Secretary of State has rather misunderstood this question. And it appears to me that he has not exactly answered the suggestions which have been made and the objections that have been raised. This engineer, whoever he was, made a deliberate report on this question, and my hon. friend the Secretary of State, admits that that report was abandoned by the Government.

Hon. Mr. WILMOT—But he still holds to it that that report was right.

Hon. Mr. DICKEY—It is admitted by the hon. the Secretary of State that the plan was bad.

Hon. Mr. SCOTT—Not at all. I said nothing of the kind; I said "it is alleged."

Hon. Mr. DICKEY—Then why was it abandoned? The hon. the Secretary of State proceeded to say that the second report must necessarily be correct.

Hon. Mr. SCOTT—I did nothing of the kind.

*Hon. Mr. Scott.*

Hon. Mr. DICKEY—At all events the second report was just as likely to be wrong as the first. Hon. gentlemen with local knowledge have given the Government the benefit of their experience, and the hon. the Secretary of State has spoken disparagingly of hon. members of this House, who have a practical knowledge of such subjects.

Hon. Mr. SCOTT—I do not think I said anything of the sort.

Hon. Mr. DICKEY—The hon. gentleman taunted the hon. member with not being an engineer. I do not rise for the purpose of discussing this question, because, though I have a general knowledge of the River St. John, and of the principles which should govern such improvements, yet I have not such a knowledge of the locality as would warrant me in interposing in the discussion. I rise, however, to congratulate the hon. gentleman who made this motion on his courage in venturing to attack the engineers in this House, and I must say I sympathise very strongly with him in this matter. Without going the length of saying that engineers may be found to report anything, if we look back upon the public works of this country, we will find that there has been a great deal more than the improvement at Oromocto Shoals to justify the hon. gentleman in the opinion he has given of our engineers. The difficulty with Mr. Perley in this matter—and I speak of him with the greatest respect as an engineer—is that he seems to have proceeded entirely upon his professional knowledge and wholly independent of the local practical knowledge which he could have got had he chosen to apply for it in the proper quarter. But if we go back to larger matters, we find, in the selection of the Intercolonial Railway route, that an engineer reported one year in favor of a certain route and the next year reported that route impracticable, and in favor of another, and why? Let the result speak for itself. There may have been changes of circumstances—it is not for me to judge what the reason was, but to let the facts speak for themselves before the House. I can also remind the House of the fact, that an engineer reported that a practicable railway route existed between a certain point west of Renfrew and the Georgian Bay without putting an instru-

ment upon it, and the very next year another engineer reported that no practicable route existed there at all. Is it any wonder, therefore, that we should object to the Government sheltering themselves behind the reports of their engineers? There may be another report upon the same Georgian Bay branch presented to us before the end of the Session, claiming a practicable line by another route, if required. Let us go beyond the Georgian Bay to those disputed lines on the north and south of Lake Manitoba, in which my friend behind me (Hon. Mr. Girard) has shown so deep an interest. I think it was a great misfortune that any one should have suggested before an engineer went there, that the route south of lake Manitoba was the best. It may have been because that suggestion was made that the engineers looked for a line where nobody else would have thought of locating it. And if we go to British Columbia, we will find much more extensive lessons on this point than any I have mentioned. If Lord Milton and Dr. Cheadle had not visited British Columbia and reported that Nature had cut a route through the Rocky Mountains and the Cascade range to the sea—by the valleys of the Thompson and the Fraser Rivers—the road might have gone that way, but from that time the fate of that route was fixed. No engineer would look at it, and if you consult the early reports of the Pacific Railway you will find that this route was ignored completely, and hundreds of thousands of dollars—nay millions—and years of time have been spent to find other routes while they failed to examine this at all. What do we find now? We find the country, after this enormous expense has been incurred in making surveys, is reduced to the alternative of the Fraser and Thompson route, or one as far north as the 56 parallel of latitude; that is the position we find ourselves placed in to-day by those engineers, and no line fixed yet. I feel that I need offer no apology for rising to thank the hon. gentleman for the courage he has shown in attacking the testimony of those engineers, in cases where they do not choose to listen to the practical advice of men on the spot. I have had experience enough to know that an ounce of practical knowledge is worth a pound of scientific theory, in matters of this kind. When gentlemen,

*Hon. Mr. Dickey.*

like my hon. friends Mr. Wilmot, Mr. Botsford, and Mr. Glasier, and an engineer of the ability and local knowledge of Mr. Beckwith, the Ex-Provincial Secretary—gentlemen possessing not only local knowledge but practical experience, and in one case professional knowledge of a high order—express an opinion so decidedly as they have done, after the Government had abandoned the first report of the same engineer, it was at least due to those gentlemen that they should have been consulted before any decided step was taken. Therefore, I hope the Government, after duly considering this case, will come down to the House assuring us that we shall have, not an electioneering expenditure of public money, but a practical expenditure for a useful purpose, and that it shall be applied in the best place and to the best advantage. I hope the hon. the Secretary of State, will take in good part the criticisms that have been uttered here to-day. With regard to the hon. member who introduced the question, and upon whom a slight sneer has been cast because he lived in the locality, I hope the Government will take his suggestions seriously into consideration and avail themselves of his local knowledge in such a way as to make this improvement satisfactory to the people who are most deeply interested in it.

Hon. Mr. PENNY—I do not profess to know anything about this work; but of course we are all desirous that the navigation of the River St. John should be improved. I am reminded, however, by this debate, of the fact that great events spring from little causes. It seems to me the motion of my hon. friend has carried us a long way from the Oromocto Shoal—all the way to the Pacific Ocean, and then we shall by it be led to a very large and important change, at all events if we adopt the theories of some hon. gentlemen who have spoken. We seem to be about to introvert the whole of the learned and scientific professions. If the engineers are not to be trusted, we must, I suppose, take doctors and the lawyers to survey our rivers and construct our public works, and as it will not do to let the engineers starve, we shall have to take them, I suppose, as our doctors and lawyers. That is the net result of the theories we have heard. But the worst of it is, if we take doctors to do the work of en-

gineers, we shall fall into the dilemma described by the well-known proverb that no authority is adequate to decide when doctors disagree, and then we could have no improvements at all—a thing I am sure the hon. mover does not desire.

Hon. Mr. SKEAD—I am neither a doctor nor a lawyer, but I have had thirty-seven years experience of building dams, and if what the hon. gentleman (Mr. Wilmot) says is true, while I am neither a prophet nor the son of a prophet, I predict that crib work built on alluvial deposit will not stand a fortnight. I would rather help the Government than oppose them in the construction of those public works.

The motion was agreed to.

### MR. SANDFORD FLEMING'S ABSENCE.

#### ENQUIRY.

Hon. Mr. BOURINOT enquired—

“For what period of time has leave of absence been given by the Government to Mr. Sandford Fleming, Chief Engineer of Dominion Railways, and whether he receives his salary whilst so absent from his post?”

I have been waiting for some time for some explanations from the Government in regard to the absence from the Dominion of the Chief Engineer of the Pacific Railway. Several reports are current as to the cause of his absence. One report is that he is travelling for pleasure; another rumor is that he is travelling for the benefit of his health, on his own income; while others have it that he is still drawing his salary of \$8,000. Another report is that he is employed by the Government to concoct some scheme with regard to the Pacific Railway. Whether the Government are privy to it or not I do not know, but I think I am only doing them a service in making this enquiry. The Chief Engineer should be in his department during the sittings of Parliament, where he can be consulted whenever it is found necessary. He has been absent, however, for several months from the country. My object is not to attack or to reflect on any one at all, but when such rumors are in circulation affecting a man of his standing, some explanation should be submitted to the country.

Hon. Mr. Penny:

Hon. Mr. SCOTT—Mr. Fleming left Canada on leave of absence on the ground of ill health of himself and some members of his family. There was no arrangement as to the time of his absence, but I am informed by a note from Mr. Trudeau, that he does not draw his pay during his absence.

### MONTREAL & OTTAWA JUNCTION RAILWAY.

#### SECOND READING.

Hon. Mr. SKEAD moved the second reading of Bill F., “An Act respecting the Montreal and City of Ottawa Junction Railway Company.” This is an Act that was obtained some eight years ago, and it is about to expire through efflux of time. The promoters of this railway are anxious to have the period for the completion of the works extended for six years from April next. They desire, also, that all bonds, debentures, and such like securities heretofore issued by the company and now forming a charge upon, or being in force against the company, shall continue in force; that the persons whose names appear on the regular stock books of the company on the 30th of April next, shall after the passing of this Act, be held and taken as the shareholders of the company and be entitled to exercise all their rights and privileges as such; and that the company may create preference shares to the extent of \$400,000, such shares being entitled to dividend before any other stock or shares of the company to the extent of six per cent upon the amount paid up thereon. The company have expended in round numbers about \$200,000. The total number of miles graded and ready for ties is about twenty-seven. Subsidies were granted by the Ontario Government, \$4,000 per mile for the sixty miles of the road which runs through this Province. The remaining 15½ miles of the road is in the Province of Quebec. They have in all \$266,000 which is not yet touched, including the city of Ottawa bonus of \$100,000 and the bonus from the municipalities of Kenyon and Locheil of about \$30,000. The whole length of the road is about 81½ miles. The company have had some trouble and some law suits with the old contractors, which I understand

have been settled, and they want the time extended to allow them to go on and complete the work.

The Bill was read the second time.

### FISHWICK'S EXPRESS & FORWARDING COMPANY.

REFERRED BACK TO COMMITTEE.

On the order of the day being called for, consideration of (Bill B.) Fishwick's Express and Forwarding Company Bill, as amended by the Select Committee on Banking, Commerce and Railways.

Hon. Mr. MILLER moved that the order of the day be discharged, and that the Bill be referred back to committee.

Motion agreed to.

The House adjourned at 4.30 p.m.

## THE SENATE.

*Tuesday, March 12th.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### THE LYON DIVORCE BILL.

FIRST READING.

Hon. Mr. KAULBACH introduced a Bill for the relief of Victoria Elizabeth Lyon.

The Bill was read the first time.

Hon. Mr. KAULBACH moved—

“That the said Bill be read a second time on Wednesday, the twenty-seventh day of March, instant, and that notice thereof be fixed on the doors of this House and Senators summoned, and that the said Victoria Elizabeth Lyon may be heard by her Counsel at the second reading to make out the truth of the allegations of said Bill, and that John Lyon may have a copy of the said Bill, and that notice be given him of the second reading or sufficient proof adduced of the im-possibility of so doing, and that he be at liberty to be heard by Counsel what he may have to offer against the same Bill at the same time.

“That the said Victoria Elizabeth Lyon do attend this House on the twenty-seventh day

*Hon. Mr. Skead.*

“of March in order to her being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion directly or indirectly on her part relative to any act of adultery that may have been committed by the said John Lyon, or whether there be any collusion, directly or indirectly, between her and her said husband, or any other person or persons, touching the said Bill of Divorce, and also whether at the time of the adultery of which she complains, he was, by deed or otherwise, by her consent, living separately and apart from and released by her as far as in her lay from his conjugal duty, or whether he was at the time of such adultery cohabiting with her.”

The motion was agreed to, on a division.

### THE PUBLIC EXPENDITURE OF THE DOMINION.

NOTICE OF ENQUIRY.

Hon. Mr. MACPHERSON gave notice :—

“That he will call attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and will enquire of the Government how it is proposed to restore the equilibrium between income and expenditure.”

He said :—I may observe that this notice is given in the precise terms of a similar motion made by me last Session. I mention this for the purpose of letting hon. gentlemen opposite understand the scope of the motion, that they may not complain, as they did last Session, that they had not sufficient notice.

### THE HALIFAX FISHERIES COMMISSION.

ENQUIRY.

Hon. Mr. BUREAU asked when the report of the Fisheries Commission would be brought down.

Hon. Mr. SCOTT—I stated recently that in my opinion it was only proper the official intimation to the public should come through Imperial channels. I am inclined to adhere to that opinion, although I think I stated afterwards as the report had reached the public through other sources, it would be brought down. I trust to be able to submit it to the House at an early day.

## THE SALE OF CANADIAN SHIPS IN FRANCE.

### MOTION FOR PAPERS.

Hon. Mr. BOURINOT moved :—

“That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, any correspondence that the Government may have had respecting the sale of Canadian built ships in France, on the same favorable terms as are enjoyed by vessels of British construction; also, any information that the Government may be able to give to this House relative to the admission of French products into this country on more favorable terms than at present.”

He said :—The object of the motion is one with which, no doubt, hon. members of this House are familiar, not only in consequence of the debate which took place lately, elsewhere, but also owing to the matter having been revived in a late contest in the Province of Quebec. Of course I do not wish to make any remarks in reference to that election, but I think in consequence of what transpired before and then, we are entitled to the information I ask—what progress the question has made. We were informed by the Premier that for two years past he had been in communication, through the Imperial Government, with the Government of France on this important subject, and no doubt the papers, when laid on the table of this House, will show what progress has been made towards accomplishing the desired object—the admission of Canadian built ships into the French ports on the same terms as British built vessels. You are aware that the Government of France imposes a duty of forty francs per ton, on Canadian built vessels, which is equivalent to excluding them entirely, while English built ships are admitted on payment of two shillings sterling per ton. The difference is so great that it is very natural that all parties interested in the prosperity of this Dominion would like to see this country on the same favourable footing as Great Britain. I am, therefore, glad to see by the debate which occurred elsewhere lately, that there is a prospect of this question coming up again, and, no doubt, the French Government may be induced to accede to our wishes; but, it must be remembered also that it is not likely it

Hon. Mr. Bourinot.

will be accomplished unless we reciprocate with them. We must admit some of their products on more favourable terms than we do at present, and I need hardly say the principal product they would most desire to sell us is their light wines. My hon. friend from Sarnia (Mr. Vidal) knows that where French wines are in general use temperance prevails. I speak with a knowledge of this question. It is known to many hon. gentlemen present that you may travel from one end of France to the other and not meet a single case of intoxication. Intemperance does not exist in the heart of France, (but occasionally in some of its sea-ports) owing to the fact that they use a beverage which is not intoxicating when taken in moderation, and temperance societies do not exist there. I am sure, if the light wines of France could be in general use among the people of this country, temperance would make rapid progress, because there must be certain beverages used by all classes, and the wines of France, as hon. gentlemen are aware, are wholesome, and considered as accessory to bread for food. I am not arguing against temperance; far from it. I cannot help speaking in the warmest terms of the efforts made by my hon. friend opposite, (Mr. Vidal) in the cause of temperance. He has a good purpose in view, and one which every honest man and good Christian will applaud him in carrying it out, if possible. But I fear the efforts will be unsuccessful, because the change must be gradual, and in the end it will be found that the only plan which will commend itself to the judgment of our people is the introduction and general use of the light wines in this country. Now, with regard to the question of selling our vessels in France, it has been stated elsewhere that our ships should be built and navigated by ourselves, and not sold to foreign powers. The gentleman who made that statement is himself a ship owner, and he says he is a freetrader. However, if that is freetrade I cannot understand the meaning of the term, for certainly when it came to his own interest he seemed very desirous to protect it. If more vessels are built in the Provinces of Quebec, Nova Scotia and New Brunswick than can be navigated by ourselves, where are we to look for a market to send them to, if not to foreign countries. We know our

neighbours across the line exclude our vessels from American registry, and therefore we must look for a market in Europe, and no country in Europe affords so good an opening for the sale of our ships as France. If that market could at once be opened it would give employment to thousands of our shipwrights who are now idle, besides additional supplies for sending them out to sea and to a market. Not more than two or three years ago, the French Government built two splendid schooners at Montreal. They have been admitted to the French navy and are commanded by two French naval officers. These vessels are in the summer cruising on the coast of Newfoundland with the French war steamers sent from France, forming the French naval division in those waters to protect the fisheries there. These Canadian built vessels are the admiration of every one who has seen them—they are perfect clippers, and I am sure the American clippers we have heard so much about cannot surpass them in any way. They are called *La Canadienne* (out of compliment to Canada) and *L'Évangéline*. I am sure France would take their ships from us, but they are awaiting our action to reciprocate with them. With regard to the islands of Saint Pierre and Miquelon, where the French fisheries are carried on, vessels of a small class have been admitted to register without paying duty, and these are built in Nova Scotia and New Brunswick and sold there yearly. I hardly know whether I can deal further on this subject, I dare say I have not exhausted it, but others, who are no doubt more conversant with other facts on this question than I am, will follow me when I resume my seat.

Hon. Mr. BELLEROSE—I rise to congratulate the hon. gentleman who has moved this address. Representing a Province which is much interested in the business of ship-building, I would fail in my duty if I did not offer my thanks to the hon. gentleman for the course he has taken. I must say, I am surprised that Canadian interests have been neglected by Great Britain in the treaty with France—that our vessels are not admitted to French register on the same terms as British built ships. It is only right that this House should know what steps our Government have taken to secure for the Dominion the same advantages that are

*Hon. Mr. Bowinot.*

enjoyed by the Mother Country. We ought to know what is the feeling of the British Government towards Canada. I believe the other subject mentioned in this motion is one of great importance. Besides the commercial aspect of it, we should look at it from the temperance point of view. In my opinion, one of the most effectual means of diminishing the evils of intemperance would be to cheapen French wines, and popularize those wholesome beverages in Canada. Certainly, if light wines could be had at a low price in this country, it would diminish the consumption of strong spirituous liquors. By lowering the duties on French wines and increasing the tax on ardent spirits, we would do more to promote temperance than by adopting a system of complete prohibition.

Hon. Mr. MACFARLANE—This subject is, no doubt, one of very considerable importance, more particularly in the Maritime Provinces, where ship-building has been carried on to a great extent for many years. I admit that while we built ships merely for the purpose of selling them (as we did years ago) we lost money, yet there is no doubt there are times when ship-builders find it convenient to sell their vessels, and at such times we should be able to enter the best market. The ships of the Maritime Provinces are now found sailing on every sea, and they compare favorably with the best specimens of naval architecture in the world. France is not a large ship-building country, and a considerable proportion of the vessels now owned in that country have been purchased from England. Both France and England have derived great advantages from the treaty existing between them. It has enabled French ship owners to purchase vessels at lower prices, and it has created a taste for light wines among the English people, which has resulted in a diminution of the consumption of whiskey, brandy and beer in all parts of the British Islands. This is proved by recent statistics, and I am sure it must be gratifying to the hon. Senator (Mr. Vidal) who takes such a deep interest in the temperance question. In every way the subject which has been brought before the House to-day is one of deep interest to our people. If we can sell our vessels in the French market, it will be a great boon to our ship-builders. If we can sail our own vessels and make

money with them, we can also sell them in many cases, at a profit. I hope the papers when brought down, will show that our Government have taken steps to secure for ship-builders the privilege of selling in the French market.

Hon. Mr. VIDAL—I am not at all sure of the propriety of entering upon even a partial discussion of the great question of temperance, on the motion that is now before the House, but, after hearing some of the statements of hon. members, I think it would be unwise to remain silent and allow them to go unchallenged. I regret that hon. gentlemen should be unacquainted with, or forgetful of facts so well established, and so prominently brought before the public mind by those who have for many years watched the results of all measures proposed for decreasing intemperance and banishing from our land the crime, poverty and misery which invariably accompany it. It is no new theory that the introduction of light wines would so diminish the use of stronger liquors as to reduce intemperance, but unfortunately for those who base their arguments upon this theory, the logic of facts shows it to be fallacious. The experiment was tried many years ago in the Old Country by the Duke of Wellington's Administration, for even in his day the prevalence of intemperance and the increase of crime and pauperism in the country had attracted the attention of statesmen. He thought if beer could be made cheaper, it would diminish the use of alcoholic drinks. What was the result? From the very year beer houses thus became an institution of the country, drunkenness, crime and poverty increased, and there was established a permanent annual growth of the very evils it was desired to remove. Several years afterwards Mr. Gladstone, a statesman of great experience, knowledge and ability, took the very same view of this matter that has been advocated here this afternoon. With a view to checking the alarming growth of intemperance and diminishing its attendant evils, he hit upon the expedient of taking off the duties from the very wines, the introduction of which into this country it is now sought to encourage. What was the result? The fine theory built upon it proved to be baseless as the fabric of a vision, for it was found by statistics of the following years that a

*Hon. Mr. Macfarlane.*

larger amount of liquor was consumed, and that crime and poverty had in nowise diminished, but had rather increased. I hold, then, that the teaching of experience is not such as should lead us to encourage the introduction of those milder stimulants, with a view to diminishing the excessive use of the stronger ones. We would be but opening wider the door to the evils which we desire to remove. My hon. friend who introduced this motion spoke of those beverages as being necessary to health. He even contended that we cannot do without them. Now, I have, for 37 years, refrained from using them—does any hon. gentleman see in me any marked deficiency in either mental or bodily strength? I contend that, so far from being injured by doing without those intoxicants, I am the better for not using them, and my experience is that of hundreds of thousands of abstainers in every clime, and of every class of society. It is a fallacy to suppose that the introduction of alcoholic poison into our systems, in ever so small a quantity, is beneficial to us when in ordinary health. But I am forgetting that I said, at the outset of my remarks, it was not wise to introduce a discussion on temperance on this motion. When the Government introduce their promised measure, designed for the suppression of intemperance, that will be the time for hon. gentlemen to express fully and freely their views on the subject, and suggest by what means the evil may be lessened in, or removed from, our land.

Hon. Mr. DEVER—It cannot be denied that the ship-building industry of Canada is very much depressed, and it behooves us to do all in our power to revive a trade so important to this country. The country that used to afford such a market for the sale of vessels built in New Brunswick and the Maritime Provinces does not require the same number of wooden ships now as it did formerly. It is well known that iron vessels are very largely taking the place of the wooden ships. Therefore, if we can find some other market in which we can dispose of those vessels built in our ship-yards, it will be a great boon to the Maritime Provinces. There is one point that has not been touched on as extensively as it might be in this debate. Hon. gentlemen seem to think that the only

commodity of France for which we can give them a market is light wines. But I can tell those hon. gentlemen that we use in this country only a very small portion of light wines because French wines cannot be exported in bulk or in large packages, inasmuch as the shaking they get in crossing the ocean is calculated to injure them and make them sour. Wines of that class are generally bottled wines, and are known as "Burgundy" and "Claret," which are not used extensively in this country, owing to the coldness of the climate. But, on the other hand, it is well known that the French market is the market for brandy, a spirit that is known and used all over the world, and is recognized in the French market as one of its staple articles of export. This is the article on which the import duties might be lowered. The whole of our tariff—especially that portion of it which applies to liquors—should be altered, because the policy of the Government is not to encourage the importation of foreign spirit, but to encourage its manufacture in this country to the exclusion of the foreign. Their policy is having that effect too, as there is a large falling off in the importation of foreign liquors. The consequence is that the annual production of spirits in the Dominion is equal to 4,000,000 of gallons. It is well known also to experts that the native spirits are not only consumed as such, but are used to adulterate foreign liquors, so that a less quantity of foreign manufacture is consumed in this country than there would be if none but unadulterated liquors were sold. We should go to France and offer them a market for their brandies, for it does not matter to us whether we import spirit (brandy) from France or manufacture a substitute at home, as we have to import the corn from which the substitute is made, from the United States, and pay cash for it to a people who will not purchase our ships, nor trade with us. France, on the other hand, will if we offer advantages to them for their brandies and light wines. But, to do this, we would have to alter the Excise duty in this country, and cause the manufacturers of spirits in Canada to come under the ordinary protection of the 17½ per cent., and I cannot understand why it is that on the item of spirit there is a protection

of from 33½ to 40 per cent. (including freight and leakage) against the foreign, whereas on all other manufactures there is only a protection of 17½ per cent. If the Government will only take the trouble to look into the question they will find there is something in it, and the argument of my hon. friend (Mr. Bourinot) will have some force, that the French liquors will find a market in this country. The strong wines such as Sherry and Port, come from Spain and not from France, hence it is no inducement to France to offer them a market for wines they do not produce. But it is not so with brandies, and, on application, you will find it out by France conceding to us a market for the sale of our ships.

Hon. Mr. BOURINOT—The hon. gentleman who has just spoken has gone into questions foreign to the motion before the House. It only referred to the light wines of France. Those who are conversant with that class of wines think that the best way to import them is in bulk, and the longer they are kept, ten or fifteen years, the more they improve in quality. Formerly the impression was that the French wines were better bottled at home, but it has been tested that all wines, clarets especially, improve by being imported in bulk and bottled after they arrive in this country. When it is considered that the duty on light wines is specific, instead of *ad valorem*, it is no wonder the importations are so limited.

Hon. Mr. TRUDEL—This ship-building question is one of great importance, not only to the Province to which I belong, but to the whole Dominion, and I think every exertion should be made to encourage the exportation and sale of our vessels to France. I recollect a few years ago—in 1871, I think—we exported from Quebec to France, nineteen ships, which produced a very considerable sum of money, gave employment to 1,400 ship carpenters, and was considered a very great benefit to the trade of the city of Quebec. It is a matter of regret the change that has taken place in consequence of the arrangement made between England and France which has shut out Canada from the French market, as far as the sale of ships is concerned. I know that it has been stated whenever this question was raised, that it is no fault of the

Government; that this treaty was arranged between England and France without the concurrence of Canada, and that there is no remedy for us but to wait until a better disposition is shown towards us by France. Canada has shown by her fiscal policy that we do not care much for their interests, and we have pursued a policy of our own without any regard to its effect on those countries, as though we did not desire to continue business relations with them in this respect. At the time when we exported such large numbers of ships to France, we imported a much larger quantity of goods from England than from the United States. Since that time our trade has changed, and in the year 1876 we imported from England only \$8,348,778, free of duty, and \$32,385,482 worth of dutiable goods, while we imported from the United States \$24,730,000 worth of goods free of duty and \$21,334,000 of dutiable goods. This fiscal policy has changed entirely the proportions of our importations from England and the United States, so that we now import a much larger quantity of goods from the latter country. In the presence of such facts it is not surprising that England, seeing that we are seeking our commercial advantages with the United States without regard to her interests, has thought fit to make an arrangement with France without taking the interests of Canada into consideration. The disproportion of free goods coming from France as compared with the goods paying duty, is much larger. For every dollar's worth of French goods that comes into Canada free of duty, fifty dollars if not one hundred dollars worth is dutiable. This discrimination in favor of the United States decided England and France to make arrangements to suit their own interests without taking Canada into consideration. The consequence is a duty of forty francs per ton has been imposed on Canadian vessels, while the duty on English vessels is only two francs per ton. This duty amounts to prohibition on Canadian vessels because, if we have to enter a vessel of say two thousand tons in France, it has to pay a duty of \$16,000, while an English vessel of the same tonnage would only have to pay \$800. That is \$15,200.00 difference. Under such conditions the Canadian ship builder cannot compete with the English ship builder in the French market. I

*Hon. Mr. Trudel.*

really believe that it is in the power of the Canadian Government to change this state of affairs. I have no doubt whatever if France and England were put on the same footing as the United States as to the proportion of goods admitted free of duty, there would be no difficulty in obtaining the same conditions for Canadian vessels as for ships of English build. I do not consider this matter from a temperance point of view. In one sense I am inclined to believe that the importation of light wines may have, to a certain extent, the effect of diminishing the use of strong liquors, but, on the other hand, it is possible that increasing the facilities for people to get cheap liquors might not prove the best way to promote temperance. It seems to me, in exchanging our vessels for the products of France, there are other articles than wines that we ought to import from France. For instance, in Manchester in the wholesale houses where the Canadian merchants make their purchases, there is always a department for French goods used in Canada. I do not see why our consumers should pay a commission to the English merchant, when the Canadian merchant might import those articles direct. There are French cloths which are bought in England which might better be imported direct from France, and there are other manufactures and products which might also be exchanged for our vessels. I hope the Government will see fit to amend their fiscal policy, in this sense and when France sees a disposition on our part to deal liberally with them, they will no doubt be prepared to admit our vessels on the same terms as the vessels of England.

Hon. Mr. SCOTT—This debate has taken a wider scope than it was first supposed it would. We have drifted away from the advantages of selling ships to France to the dangers of importing light wines. I am not going to discuss the question whether the benefits to be derived from selling our ships will be counter-balanced by the importation of foreign wines or not, but I wish to correct a statement of the hon. gentleman who has just taken his seat. That hon. gentleman himself knows that there are no differential duties against France, and the Canadian merchant can as well import his goods direct from France as import French goods through English houses.

Hon. Mr. TRUDEL—I did not say there were differential duties, I said the proportion of dutiable goods is much larger from France and England than from the United States. While more than one-half the merchandise imported from the United States is free from duty, of the merchandise imported from France, the proportion of free goods is as one dollar to one hundred dollars of dutiable goods.

Hon. Mr. SCOTT—The articles on the free list happen to come from the United States and not from France. When the papers come down it will be seen that the Government have for the last two years given the subject great consideration. It is one in which we cannot deal directly with France, but we must conduct our negotiations through the Imperial Government. England has made several treaties with France during the past few years, and in none of those treaties have any of the colonies of Great Britain participated. In the last commercial convention it was decided, in view of English ships being allowed to be registered in France at a low rate of duty, French wines should be allowed to be imported into England at a reduced rate. The people of this country seem to be impressed with the idea that it would be an advantage to Canada to be able to sell their ships in the French market. Therefore it was that this Government have endeavored to obtain from France privileges similar to those enjoyed by England under the last treaty. The whole difficulty lies with France. It is for France to say whether we give her the *quid pro quo* that England gives her. Our proposition to France is practically the same proposition as was made by England some years ago, when the treaty was made between France and Great Britain and Ireland. Neither Canada nor any of her other colonies were entitled to share in the advantages that flowed from that treaty, and our proposition to France is that we are prepared to make this reduction of duties on the light wines of France, which contain less than twenty-six per cent. proof—I think that is the standard; that the rate of duty charged on those wines shall be the same in Canada as that charged on the same wines in England, provided that Canadian ships would be allowed to be registered in France on the same conditions as English built vessels. The cor-

*Hon. Mr. Trudel.*

respondence is practically going on still and the proposition of Canada has not yet been acceded to.

Hon. Mr. DEVER—Was the offer ever made to France that the spirits of that country should be allowed to come in here at a lower duty?

Hon. Mr. SCOTT—No, the light wines only. It is a similar proposition to that made by Great Britain and Ireland.

Motion agreed to.

## MONTREAL BUILDING ASSOCIATION'S BILL.

### FIRST READING.

Hon. Mr. PENNY introduced a Bill intituled an Act to confer certain powers on the Montreal Building Association.

The Bill was read the first time.

House adjourned at 4.30 p.m.

## THE SENATE.

*Wednesday, March 13th.*

The SPEAKER took the chair at three o'clock p. m.

After Routine proceedings.

## BAPTIST FOREIGN MISSIONARY SOCIETY'S BILL.

### THIRD READING.

Hon. Mr. McMASTER moved the adoption of the amendments made by the Select Committee on Standing Orders and Private Bills to (Bill C.)—Baptist Foreign Missionary Society Incorporation Bill. He said—Grave doubts seemed to be entertained by the committee as to the jurisdiction of this Parliament with reference to the property clauses in this Bill, and, consequently, they have been abandoned, and clause "A" has been substituted for them. The new clause is as follows:—

"The said Society by the name of the Regular Baptist Foreign Missionary Society of Ontario and Quebec, may receive, acquire, and hold moneys, promissory notes, bank stocks and public securities, and invest moneys now held by the said Society, or which may here-

"after be acquired, in bank stocks and public securities, and dispose of the same for the purpose of furthering the objects of the said Society as and when it may seem expedient so to do."

Hon. Mr. BELLEROSE—When this Bill came before the Senate for its second reading, I stated that I thought it was unconstitutional, and that it came within the jurisdiction of the local legislatures. The hon. gentleman who has charge of the Bill informs us it has been amended, but it has not been presented to the House in its present shape, and I believe it would be only right that it should be printed as amended before being read the third time. I believe even as it now stands there are doubts whether it comes within the jurisdiction of this Parliament. If the motion is pressed I will feel it my duty to move that the Bill be referred to the Supreme Court for their decision as to its constitutionality.

Hon. Mr. CAMPBELL—I really do not think any constitutional point is left now in the Bill, the objectionable clauses having been stricken out. It merely enables them, now, to hold personality. I do not think there can be any objection to that. Then, as to the incorporation of such a society, we have passed many acts of incorporation to enable associations to do business in more than one province. There really does not seem to be much left in the Bill; certainly, from my point of view, nothing objectionable remains. No new clause has been added to the Bill except the one to enable them to hold personality, and that is printed in the minutes. It seems to me the Bill should be allowed to pass.

Hon. Mr. BELLEROSE—That such bills have passed this House, there is no doubt, but I have raised objections to some of them. I may say I take strong exception to this Bill, because a couple of years ago objections were raised to a similar measure, of which I had charge. I believe we should deal in this Parliament only with matters which are clearly within our jurisdiction. This Bill may be amended, but it gives the Society power to possess, and, therefore, it affects civil rights which come exclusively within the jurisdiction of the local legislatures. I do not see what objection there can be to submitting it to the Supreme Court. I have another reason for wishing to have

*Hon. Mr. McMaster.*

a decision upon the constitutionality of this Bill. We have had before this Senate much private legislation, which, I believe, ought to have been sent back to the local legislatures. This kind of legislation is working mischief against Confederation, because, if this Parliament is to enact all the legislation, and if the local legislatures are to have nothing to do, it will be the best argument by and by in favor of a legislative union, to which I am opposed, as I believe many hon. gentlemen in both Houses of Parliament are. I believe the best way would be to send all such doubtful bills to the Supreme Court for their decision upon them. When we have the opinions of the Judges, the committees of both Houses will know how to deal with such measures in a uniform manner. Even last year there were bills before us which, I am sure, ought to have been introduced in the local legislatures. We had a Bill to incorporate a company to build a bridge over L'Assomption River. Will anyone tell me that Bill should have been submitted to this House? It is better that we should know at once how we should deal with such measures. If the hon. gentleman presses his motion, I will feel it my duty to ask the House to refer the Bill to the Supreme Court for their decision.

Hon. Mr. DICKEY—I hope the hon. gentleman who has just spoken will not press his objection to this Bill. The House will remember I made myself rather pertinacious in times past, in defending the rights of the local legislatures, and certainly I would be the last to desire to encroach in any way on those rights. There appears to be a slight misconception in the mind of the hon. gentleman (Mr. Bellerose) on this subject. The question of civil rights, under the British North America Act, is a very difficult one, undoubtedly, but my hon. friend must recollect, while we are legislating on subjects within the purview of this House, and while we incidentally give civil rights to those parties, the power of determining those civil rights is in the provinces, and in the courts of the provinces. We only give such incidental rights as are necessary to carry out legislation here. Therefore, it comes back to the point—is this a matter within the purview of this House. If we throw a doubt on the power of this House to pass such

a Bill as this, we would raise a question as to the constitutionality of many bills passed in former sessions which, though not exactly similar to this, are of a cognate character. Now, two years ago I agreed in the propriety of sending the Bill incorporating the Christian Brothers to the Supreme Court, but that was a different bill and it was referred on an entirely different ground—on the ground that the subject matter of the measure (education) was one which by the Constitution, was assigned exclusively to the local legislatures. But in all cases where powers have been sought by corporations to extend over half a dozen different provinces, and where it would be necessary otherwise to apply to half a dozen different legislatures for acts of incorporation, we have acted on the principle, during the last ten years, to give the powers asked for except when they interfere, as in the matter of local education, with subjects exclusively local. This is not exclusively local in any sense. It is for the spread of the principles of this Baptist body in foreign parts, and it is merely to enable them to do in the different provinces, what they would be empowered to do if they went to each of the legislatures in a separate form for an act of incorporation. I really think, under the circumstances, my hon. friend ought not to persist in his objections to this measure, and I do think it is not a bill which we should refer to the Judges of the Supreme Court. Upon that point I would just say to my hon. friend, before we put ourselves in the position of expressing doubts that would justify us in going to the Supreme Court for advice, we ought to be well satisfied it is a case which requires reference, or otherwise we put ourselves in a false position. I do not think, therefore, the House would be disposed to refer the Bill when there is no reasonable doubt that the subject is one which to-day, as it has always been held in times past, is within the purview of this House.

Hon. Mr. BELLEROSE—In the second clause of this Bill, it is stated that the object is the diffusion of Christian knowledge. I ask the hon. gentleman if under this clause the Society would not have the right to establish schools? I am not a lawyer, but the hon. gentleman is, and I ask his opinion on this point.

*Hon. Mr Dickey.*

Hon. Mr. DICKEY—My hon. friend must see that if he objects to this clause, he must object to any form of Christian instruction in this country, and surely he does not propose to do that. That is all the second clause gives them power to do. We live in a free country, and if this Society choose to propogate their peculiar views, which may not be in accord with the hon. gentleman's or my own, surely we will not say we shall not grant them an act to enable them to do so.

Hon. Mr. BELLEROSE—That is not an answer to my question. I want to know whether under the second section they would not have the power to establish schools? I say, if they would, then they should go to the local legislatures. That is one argument, and the other is the question of civil rights.

Hon. Mr. McMASTER—There is no intention of establishing schools. The main reason for coming to this legislature for the Bill, is because the Society is carrying on its operations outside the Dominion, in India. It is receiving here, of course, means in various ways for that purpose. The clause providing for holding property has been, at the suggestion of the committee, entirely struck out, so that the Bill is now a very simple and harmless one, and I don't see how it can be objected to, especially in view of the number of bills of a similar character passed here during the past Session. For instance, the Grangers had a bill passed last year empowering them to hold property and dispose of it as they thought proper. The Commercial Travellers had a bill passed giving them similar powers. We abandoned the clauses with reference to the property altogether, and intend to go to the local legislatures for those powers. But, as we are operating outside the Dominion, we ask to have the Society entrusted with the very limited power which consists of holding bank stock and Government securities.

Hon. Mr. DICKEY—When my hon. friend opposite asked me if this second clause was not objectionable, as giving power to establish schools, I thought I had made myself sufficiently clear when I stated that this clause gives no such power at all. It merely states that the object of the Bill is to diffuse Christian knowledge. Even if they had no act of incorporation

there is nothing to prevent them doing that. This is a free country. But if this clause could be twisted in any way into power for giving secular education, it would be *ultra vires* and would go for nothing. But the clause does not do that. It merely states the objects of the Society, and one of them is the diffusion of Christian knowledge. If that were an objection it would certainly stop anybody from giving Christian instruction in this country, unless empowered to do so by act of a local legislature.

Hon. Mr. TRUDEL—The hon. gentleman who has just spoken states that he conceives there is no possible doubt on this question. That may depend on his own opinion, and the same thing may be said of everything which is submitted to a tribunal. There are parties who have no doubt as to their rights, but still tribunals decide against them. I would merely refer the hon. gentleman to the proceedings of the Private Bills' Committee, on this very Bill, wherein the hon. members of the committee divided equally on the preamble of the Bill, and it was only adopted by the casting vote of the chairman. The fact, that a committee, the majority of whose members belong to the legal profession, was equally divided on the preamble of this Bill, proves to my mind that this is a measure which should be referred to the Supreme Court for a decision as to whether it comes under the jurisdiction of this Parliament.

Hon. Mr. BELLEROSE moved that the Bill be referred to the Supreme Court for their decision as to whether it came within the jurisdiction of this Parliament.

Hon. Mr. MILLER said the Bill should have been referred before its second reading, as the hon. gentleman would see by reference to the rules of the House.

Hon. Mr. BELLEROSE asked if there was a new rule on the subject since three years ago.

Hon. Mr. MILLER said there had been a revision of the rules, and if the hon. gentleman would look at Rule 55, he would find that it read as follows:—

“Before the second reading of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for their examination and report, as to any point or

*Hon. Mr. Dickey.*

“matter in connection with such Bill expressed in the Order of Reference.”

Hon. Mr. MACMASTER—The hon. gentleman opposite (Mr. Trudel) says, that the preamble was only carried in committee by the casting vote of the chairman. That is quite correct, but I think several hon. gentlemen who voted against it would not have done so had they been aware that the three clauses referring to property would have been withdrawn.

Hon. Mr. TRUDEL—This was perfectly understood before the voting took place, and still half the committee pronounced against the preamble.

Hon. Mr. SCOTT—Looking at this Bill from a strictly legal point of view, I should deeply regret that this Senate should narrow its prerogative to such a degree as not to be able to charter individuals where it was perfectly clear that it did not involve any question of civil rights. When this Bill was first introduced, I myself stated that I thought it was not clearly within the purview of the House, inasmuch as it authorized the association to hold real estate. I mentioned the objections which attached to these particular clauses, inasmuch as all those societies usually obtained a considerable amount of property through devises, and therefore it would be practically giving them powers which conflicted with the statutes of mortmain existing in the Province. Those statutes are different in the several provinces of the Dominion. The promoters of this Bill called upon me with reference to those clauses, and I stated to them that they were the only objectionable features of the Bill. They informed me that they were quite alive to that fact; they had taken legal advice on the subject, and they were aware they would have to go to the local legislatures to get power to hold real estate, and they believed it would be of some assistance to them in obtaining charters in the several provinces if their existence as a corporate body were recognised by the Federal Parliament. I replied, I thought they were really getting nothing for their money, as the Bill without those clauses was of very little value to them. The Bill when stripped of those clauses is of so little importance, that I think it would be a great mistake for us to adopt a precedent that it was not in our power to charter any body

of individuals for any proper or right purpose. Therefore, I hope my hon. friend will withdraw his objection. In the Bill to which allusion has been made—with regard to the Christian Brothers—if I am not mistaken, authority was asked to hold real estate. It was for the purpose of enabling them to concentrate in one title the properties they already held in some provinces where they had charters, and in provinces where they had no charter, and to relieve them from the necessity of obtaining charters in those provinces. That, I think, was the true objection to the Bill rather than the educational clauses. As the society which now seeks incorporation will have to apply to all the local legislatures for power to acquire property in the several provinces, I think my hon. friend might withdraw his objection to this particular Bill, as it simply incorporates a society without giving them any power than to hold personal property. It avoids the necessity of holding property by trustees. That is practically all the Bill does.

Hon. Mr. BELLEROSE—I rise to speak on the question of order. It has been stated that, according to the rules of the House, I could not move at this stage to have the Bill submitted to the Supreme Court for their decision. My contention is that the rule is not binding. The Senate can, if it see fit, move before the second reading but that does not preclude the House from doing so at a subsequent stage of the Bill. In 1876, I observe by the Journals of the House, the Bill to incorporate the Christian Brothers was submitted to the Supreme Court after it had been reported back from committee to be read for the third time. Though the rules have been changed since then, I see they have not been so framed as to prevent me from now moving the reference of the Bill to the Supreme Court.

Hon. Mr. MILLER—My hon. friend is quite correct as to the motion which was made on that occasion. I voted against it, as I shall be obliged to vote against this. Although the word "may" is used in this rule, it is equivalent to "shall," and must be considered, in this case, in that sense. My hon. friend will see the necessity of moving before the second reading. At that stage the House either affirms or disapproves the principle of the

Bill; after the principle is affirmed I think we would stultify ourselves if we referred the Bill to the Supreme Court. Besides that, I think it would be in contravention of the rule of the House.

Hon. Mr. BOTSFORD—I would call the hon. gentleman's attention to the precedent to which he refers. That motion was made previous to the House adopting standing orders. There was a revision of the rules, and this one, relating to the referring of bills to the Supreme Court, was fully discussed in the Senate, and it was plain to me that the most fitting time that any reference of a bill to the Judges of the Supreme Court should be made, was before the second reading.

Hon. Mr. DICKEY—It seems strange that my hon. friend (Mr. Bellerose) should have any doubt about that. The Senate may, if they think fit, refer a bill; if they do not think fit, they need not refer it all; but in any case they cannot refer it except before the second reading, and then only if they think it a fit subject for reference. It appears to me so plain that I do not see how my hon. friend could object to it.

Hon. Mr. BELLEROSE—It is so plain, I do not understand it. Suppose a bill passes the second reading before attention is called to the fact that it does not come under the jurisdiction of this House, will the hon. gentleman say even then that the House had no power to refer it to the Supreme Court? I think we have, and that is why the 55th rule has been framed as it is. It was not intended—and I believe it was so stated at the time—to prevent any one moving the reference of it at any other stage.

Hon. Mr. HAVILAND—The intention of that rule was just the reverse of the principle laid down by the hon. Senator who has resumed his seat. I happened to have the honor of being a member of the committee of revision, and the question was debated at great length; it was then determined, in drawing up that rule, that the right time for sending the Bill for the opinion of the Judges of the Supreme Court, was before the principle was affirmed or repudiated by this House, so that we should not commit ourselves to a measure about which there was any doubt. The words "if the Senate think fit" were intended to cover a case in

which there was a doubt as to the constitutionality of the Bill, but there never was an intention that it should be sent to the Judges of the Supreme Court after the second reading.

Mr. SPEAKER—My opinion is that the motion in amendment is not in order; that the construction of the rule as given by several hon. members is correct. The Senate by this rule reserved to itself the right to submit to the opinions of Judges of the Supreme Court any Bill, but it was not imperative in all cases; and that reference must be before the second reading of the Bill, because then, as has been stated, the principle of the Bill is agreed to.

The amendments were concurred in on a division.

The Bill was then read the third time and passed.

The House adjourned at 3.50 p.m.

### THE SENATE.

Ottawa, Thursday, March 14.

The SPEAKER took the chair at three o'clock p.m.

After Routine proceedings.

### ST. JOHN RIVER RAILWAY BRIDGE.

#### MOTION FOR RETURN.

Hon. Mr. DEVER moved.

"That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, any correspondence that the Government may have respecting a Railway Bridge across the falls, at St. John, New Brunswick, so as to connect the Government work known as the Intercolonial Railway, with that of Western Extension at said Falls."

He said—The motion which I have the honor of placing before you to day I consider is one of some merit, inasmuch as it involves the expenditure of a considerable sum of money. It is also important because it effects very largely the Maritime Provinces in their mode of transit through those provinces and the connec-

Hon. Mr. Haviland.

tion with the railway system of the United States by means of the Western Railway Extension. I might state that the "European and North American Railway," now known as part of the Intercolonial, was constructed out of the private purse of New Brunswick long before that province came into the Union. New Brunswick constructed that 108 miles of road while under a tariff not exceeding 14½ per cent *ad valorem*, with a large free list of materials that entered into the construction of our shipping. The specific portion of our tariff was very much lower than that portion of the tariff which prevails in Canada to-day. Under that tariff prior to coming into the Union, tobacco only paid a duty of five cents per pound; to-day under the Canadian tariff it pays 25 to 27 cents per pound. Spirit in those days paid a duty of 30 cents per gallon; to-day a similar spirit pays \$1.65 per gallon. Geneva in those days paid 50 cts. per gallon; at the present day it pays \$1.00 per gallon proof. Brandies in those days paid eighty cents per gallon, any strength; to-day they pay one dollar, on proof; whiskey paid 50 cts. then, any strength; now it pays \$1 on proof. In other words, the specific portion of our tariff under Confederation I hold to be some three hundred per cent more than it was at the time New Brunswick constructed the "European and North American Railway." Hon. gentlemen will see by this what our Province has contributed to Canada by coming into the Confederation. We are now compelled to pay an average of some 25 per cent. on everything that comes into the Province, and hence have some reason to expect that the Government of Canada shall be liberal in the construction of our public works. Before Confederation New Brunswick gave encouragement to any company that would undertake to construct a railway from the American boundary through that Province to the City of St. John to connect with the European and North American road, and under that subsidy—ten thousand dollars per mile—a company was formed and the railway was constructed from the boundary of Maine to the River St. John, adjacent to the city of St. John. The intention was to connect it with the European and North American Railway, and thereby form a through line from the United States

through the Provinces of New Brunswick and Nova Scotia, which would invite light freight, mails and passengers to take shipping at Halifax for Liverpool and Europe, and *vice versa*. But Confederation has changed the condition of our affairs; we have now to look to Canada to finish these works. Under Confederation the road known as the Intercolonial Railway was built on the North Shore of New Brunswick, and finally connected with the "European and North American" near Moncton, and the whole road from St. John to Riviere du Loup, is now known as the Intercolonial Railway. It would appear that the original design of the promoters of those railways in New Brunswick has not been carried out, as a gap of a mile, or a mile and a half exists where this bridge is required, and the want of this connection is seriously felt, not only by the people of New Brunswick, but of Nova Scotia and Prince Edward Island as well. If this bridge were built and the connection were made, it is believed it would be the means of creating a large traffic that would add greatly to the wealth of those Provinces and furnish more work for the Intercolonial. Surveys of the work have been made and we find that the cost of it would be considerable. The span of the bridge would be about 700 feet, and it would involve the construction of a piece of railway from the present terminus in St. John to the bridge, altogether costing three quarters of a million or a million of dollars, perhaps. The people of St. John feel that Canada has a right, under the changed condition of affairs and their greatly increased taxation, to undertake the construction of this work and carry it to completion at as early a date as possible. We feel that there is too much apathy shown on the part of our representatives in this matter. The representatives from the Upper Provinces seem to think that they have performed their duty by constructing the Intercolonial, that they have acquitted themselves of their obligation. In answer to that, I would say, that until this connection be made, the Intercolonial Railway cannot possibly be a paying institution. It terminates practically at St. John. The Western Extension Company, from what I can learn, are now in somewhat difficult circumstances. There is no hope in that direction that they will undertake the

*Hon. Mr. Dever.*

construction of this bridge, and the people turn to the Dominion Government in the hope that they will take this scheme up as a public work, complete the connection, and thereby do a vast amount of good to the Maritime Provinces. I hope all the members from the Lower Provinces will co-operate with me and impress upon the Government the necessity of having this scheme carried out. The Government have expended immense sums of money on the Pacific Railway in ways and means that have not shown results we might properly look for. These matters have been debated on so often that it is painful for me to revert to them, but I cannot help thinking that a portion of this money that is said to have been squandered on speculations that have not turned out very favorably, would be sufficient to complete this much needed public work. I might, for the information of the House, point out that the length of the bridge between the piers, according to the plans given us, would be 648 feet; height of the bridge above high water level, 70 feet; width of bridge, 23 feet; cost of construction, \$250,000 to \$300,000. I would humbly submit to the Government that it would be received as a favor by the people of St. John, and I think I may say, of the three lower Provinces, if they would give this matter their serious attention at as early a date as possible.

Hon. Mr. WILMOT—In seconding the motion, I do not know that I can add much to what my hon. friend from St. John has stated, excepting to mention this fact, that the River St. John presents the only break in the railway communication between Halifax and San Francisco. The suspension bridge over the St. John cost only about \$80,000; what a railway bridge would cost I cannot say. There must be some correspondence with reference to such an important work, and the Government will, no doubt, furnish it to the House. I was looking at the Trade and Navigation returns for the last year, and I find that, while Ontario paid in custom duties in 1877, \$2.87 per head to the revenue of the country, Quebec, \$3.87, and Nova Scotia, \$3.35, New Brunswick paid \$3.82. Now, it is very evident that the revenue from the Province of New Brunswick has been very largely increased during the present fiscal year, in conse-

quence of the destruction of property by the disastrous fire at St. John, to a much larger extent than the cost of this bridge. It would, therefore, be a very opportune time to construct the work. It has been estimated that the increased duties at St. John is something like \$500,000; and it is certain that during the coming year, the sum collected will be very much larger, as so many private residences will have to be built and furnished. There has been an expenditure going on in the harbor of St. John, which, in my judgment, is a complete waste of money—that is, the construction of a breakwater from Negro Town Point to Partridge Island, and I have been informed it is the intention of the Government to extend it all the way and close up the western channel. Now, I have lived a large portion of my life in St. John, and have been engaged in shipping there, and I feel confident if that is done, that any vessel which cannot get to windward of Partridge Island will be driven on a rock-bound coast with a certainty of loss of life. I only refer to this fact in order to show that the money might have been applied much more advantageously in building this bridge on the great line of railway communication across the continent. The pilots condemn it, the masters of the steamboats coming into the harbor condemn it also, and the men who have been members of the Common Council and on the Harbor Committee, I was speaking to them just before coming away, and they could not understand who originated the expenditure. I suppose it was the idea of a Civil Engineer, and the engineers, it would appear, control the Government. I think every member from New Brunswick ought to press upon the Government the necessity of constructing this bridge, and now is the time to do it. It has been looked for long enough, and now when St. John is contributing so largely to the revenue of the country, after having sustained such a heavy loss, is the time that the work should be undertaken.

Hon. Mr. MILLER—I think not only every member from New Brunswick should press upon the Government the early undertaking of this work, but every member from Nova Scotia should join with them, because that Province has fully as large an interest in the completion of that link of in-

*Hon. Mr. Wilmot.*

ternational communication as the Province of New Brunswick. I am very glad this matter has been brought before the House, and I hope there will be such an expression of opinion, both from the Province of New Brunswick and the Province of Nova Scotia, as will induce the Government at an early date to give their attention to the subject. It is very well known that for years past it has been a matter of serious complaint and agitation not only in New Brunswick, but Nova Scotia, that this important link in the communication with the neighboring country, where so large a portion of our business operations are carried on, has not been completed. The amount of trade and intercourse between Nova Scotia and the United States, as hon. gentlemen here who come from that Province well know, is very large. The chief means of travel during the whole of the year—business travel especially—is by the Intercolonial and the Western Extension. This missing link at St. John is a costly and vexatious inconvenience and interruption to travel and traffic, and causes much loss of time to travellers, as well as serious injury to trade. It has now become a subject of universal complaint in those two Provinces, and why it has not been undertaken as a portion of the Intercolonial railway, and as a connecting link with the Western Extension, the people cannot understand. I am glad to hear from my hon. friend (Mr. Wilmot) that there is but one opinion among the people of New Brunswick, and I presume, from the expressions of opinion we have heard from their representatives here today, they are even more desirous than the people of Nova Scotia to see it completed. I shall not say anything in addition to the remarks of the hon. gentlemen who have already spoken, because I think the necessity of this work is so well recognized in the Lower Provinces, that it requires no argument from any one to press its importance upon the House. The duties paid by the Maritime Provinces under the existing tariff have been referred to. There is one remark which the hon. gentleman (Mr. Wilmot) made, to which I cannot give acquiescence. I admit that in consequence of the fire at St. John the revenue from New Brunswick this year, and in all probability for some succeeding years, will be larger than it otherwise

would; and I am also willing to admit that New Brunswick contributes as much, in proportion to its wealth, to the revenue of the Dominion as any other of the old provinces; but when the hon. gentleman states, that for some years past it has contributed more than any other of these provinces, I wish to say that I believe Nova Scotia pays per head more than that Province. And the reason is obvious. Our industries consume very largely of dutiable goods. We have extensive shipping interests, and it is very well known that we are the largest ship owning country in the world, in proportion to our population; we have very extensive fishing and mining interests also, and all those industries consume largely of dutiable goods. The consequence is that we contribute more, in proportion to our population, to the revenue than any other of the old provinces of the Dominion. The reason why New Brunswick appears to be a larger contributor than Nova Scotia is this: since Confederation and the breaking down of the revenue tariff between the two Provinces, and since the assimilation of the currency of the Dominion, the trade between New Brunswick and the city of St. John has increased to a large degree. It always existed to a considerable extent before Confederation, but since then, these barriers having been removed, the trade has increased enormously, and a large portion of the Province of Nova Scotia—all those rich counties lying on the shores of the Bay of Fundy, which include the most fertile portion of Nova Scotia—have now their direct trade with New Brunswick and its capital, St. John. Perhaps two-thirds, or, may be three-fourths of the dutiable goods consumed in those counties are purchased in St. John, and the revenue which those goods pay is credited to the Province of New Brunswick, in the same way that a very large portion of the revenue of this country, though paid in Montreal, actually, in the end, comes out of the pockets of the consumers, the people of Ontario, while the Port of Montreal gets the credit of it, because the revenue is collected there. Therefore, except under the peculiar circumstances in which it is placed through the loss of the City of St. John, New Brunswick does not pay more per head than Nova Scotia; but it is a melancholy reflection

*Hon. Mr. Miller.*

that, in consequence of that calamity, the Government are going to get \$500,000 more revenue from the unfortunate Province of New Brunswick. It has suggested, however, an idea which might not be unworthy the consideration of the Finance Minister—that by burning down half a dozen of our chief cities he might be able to turn his deficits into a surplus, as that heaven-born financier has so far proved himself unequal to any better scheme for attaining that result.

Hon. Dr. CARRALL—I rise to correct the statement that either Nova Scotia or New Brunswick pays more per head to the revenue of the country than any other province of the Dominion. I would remind the hon. gentlemen who have said so, that British Columbia pays nearly three times as much taxes per head into the Dominion Treasury, as any other province in the Dominion.

Hon. Mr. LEWIN—I think there can be but one opinion in this House, that it is a most desirable thing this connection should be made between the Intercolonial and the Western Extension railways, it being the only break in the railway communication between the United States and the Maritime Provinces. The distance, I believe, is only two miles, but it would be a very costly work, because it would involve the expenditure of a large amount in purchasing the right of way, besides the building of the bridge. I was really surprised at the observations of my hon. friend (Mr. Wilmot) with reference to the breakwater at St. John. I have heard but one opinion expressed as to that work by ship-masters and others in St. John, who are competent to speak on the subject; they all agree that it is a most necessary work, and well built, that it breaks the heavy south-west seas that roll into the harbor of St. John, and the hon. gentleman himself is the first person I ever heard speak against it. That the breakwater is a work of great advantage to St. John, I think cannot be disputed, and I am very much surprised to hear the hon. gentleman say the money expended upon it is wasted.

Hon. Mr. WILMOT—My hon friend is very well aware there is what is called the "Beacon" Bar running from Sand Point to the Beacon, and that pier is a great security against the south-east gale.

I speak practically, having been for many years a ship owner at St. John, when I say that the injury to shipping in the harbor is from the south-east gale, and if that breakwater had been put on the east side down to the foul ground it would have been a very great advantage to St. John. Last year, the fishermen say the fisheries were a failure, and they attribute it to the existence of that breakwater. The hon. gentleman (Mr. Lewin) says nobody but myself condemns the expenditure on the breakwater. Sheriff Harding has had a very great deal of experience in such matters, and he condemns it; Mr. McAvity has had a great deal to do with the harbor, and he is of the same opinion; Captain Steene, who, for many years ran a steamer between Digby and St. John, informed me there was not a pilot but condemned it. The damage is not so much from the south-west gale, but, as I said before, from the south-east gale.

Hon. Mr. KAULBACH—All the members from the Maritime Provinces must feel greatly interested in having the Intercolonial Railway connected with the Western Extension by a bridge across St. John's harbour. It is quite certain that the want of it is a great inconvenience to the travelling public, and a great loss to Halifax as well as St. John. If that missing link were completed, connecting St. John with Carleton, the Intercolonial would have the benefit of the additional passengers, freight, mails, and travel which would go by way of Halifax. It would shorten the sea voyage distance between Halifax and New York some six hundred miles, which is a matter of very great importance to passengers between New York and Europe, as many persons are anxious to make the sea voyage as short as possible. I am very glad my hon. friend from St. John has brought this matter before the House. It does not involve such an amount of money as would be out of proportion to the great advantage it would afford to the travelling public, and to the Intercolonial Railway itself, looking upon it as a matter of public interest, as developing trade with Halifax, and increasing the revenue from the Intercolonial Railway, and not lessening the traffic with the Upper Provinces by way of Riviere du Loup. I believe it is a matter of such importance that it can-

Hon. Mr. Wilmot.

not fail to receive from the Government proper attention, and I hope they will feel that it should be undertaken at an early date. Until to-day I had supposed that the principal obstacle lay in the difficulty of deciding the location of the bridge, whether it should be at the Falls or Navy Island. I hope, now that no difficulty of that kind seems to stand in the way, the Government will give proper consideration to this matter, and will not fail to establish this connection which is in every way of such importance to the people of the Maritime Provinces.

Hon. Mr. WARK—I am glad to hear the statement made by the hon. gentlemen opposite that the people of Nova Scotia are so deeply interested in these New Brunswick railways. That was admitted at the Conference the time the delegates went Home and the debts were fixed between the two Provinces. I remember our leading delegate made a speech in St. John soon after their return, and he admitted that \$7,000,000 was a larger amount in proportion to the population of New Brunswick, than the \$8,000,000 allotted to Nova Scotia, but as the Nova Scotian delegate said, a certain amount was to go to the building of this connecting link, and they were so far interested in it that they consented to New Brunswick going into Confederation with a larger debt in proportion to her population than Nova Scotia. That appears to have been altogether forgotten, when a difficulty arose between the Dominion and Nova Scotia, and in order to allay the discontent in that Province and retain it in the union, the debts were then arranged according to population altogether, and the benefit, which the hon. gentleman now admits, was then thrown out of sight. When this Western Extension was built and completed, I may say, to the brink of the River St. John, there was an expensive embankment constructed to carry it out to where a bridge ought to start from. The company then applied to the Government of the day to aid in building this bridge, and were prepared to pay a considerable portion of the expense, but the Government did not see their way to rendering the assistance required. If it had been undertaken at that time, instead of the whole of the burden being thrown on the Government as it would be now, the railway company

would have paid their portion of it. I remember the time when there was a celebration of the opening of the Western Extension Railway from Bangor to St. John. There were a good many leading men of the United States present, and among them the Post Master General, and he told us that as soon as they could prove that they could deliver mails twenty-four hours sooner than by steamer at New York, he would give the mails to the railway to carry. This would be an important item in the revenue of the road. If the Government of that day had rendered a moderate amount of assistance at that time the connection would have been made, because the company could then have sold their bonds at a good price; unfortunately, the railway has since passed into the hands of the bondholders, and they are now running it, and are not in a position to contribute anything to the building of the bridge, so that if it is constructed, it will have to be entirely at the expense of the Government. It is an unfortunate time now, in the depressed state of the finances of the country, to urge this matter upon the Government. At the time I speak of, when the road was completed to the bank of the river, there was an overflowing treasury, and that was the proper time to have built the bridge. When the Government refused to assist the undertaking the Company carried the road down in the rear of Carleton Heights to a point opposite the city, where all the traffic now crosses the harbor by a ferry.

Hon. Mr. POWER—Until to-day I was of the same opinion as the hon. gentleman from Richmond, that there must be some feeling of hostility in New Brunswick to this work, but I am happy to hear to-day that no such feeling exists. Any one who has travelled from the United States to St. John, or any portion of the Maritime Provinces east of the St. John River, must have experienced the inconvenience which arises from the present state of things. The crossing by ferry from the Western Extension to St. John is one of the most unpleasant parts of the journey from Boston to Halifax. The weather is very often disagreeable, and the harbor is not always smooth. Then, when one arrives at St. John at half past six in the evening if the night trains are running, as they do in summer, one has to wait four hours there before he can

*Hon. Mr. Wark.*

leave, and that is a considerable loss of time to one who has important business, and finds time valuable. If the bridge were completed and the Western Extension Railway connected with the Intercolonial, there is no doubt but that trains would be run through, without a stoppage at all, from Boston or Portland to Halifax, and there would probably be night trains throughout the year instead of during the summer months only, as at present. That is the inconvenience with regard to passengers. I think the advantage which this connection would afford, with regard to freight trains, would be still greater. As it is now, the necessity of breaking bulk at Carleton almost altogether prevents the carrying of any freight for points east of the St. John River over the Western road; but if this link were completed a great deal of freight would come to Halifax and other points east of St. John over this route. I think that St. John, Halifax, and all points east of St. John would be very much benefited indeed by having not only the Intercolonial, but this road from the United States. Possibly this road when completed might be looked upon by some persons as a competitor with the Intercolonial, but I can see no danger of that, because the trade over the Western Extension would be almost altogether from the United States, and would not interfere with the trade from the Upper Provinces. I presume, in the present state of the finances of the country, if this work is as expensive as represented by the hon. gentleman from St. John, some little time might elapse before it could be undertaken; but I think it is desirable that information should be laid before Parliament as to the probable cost of the work, and that steps should be taken to provide at an early date to have this important link in our railway communication completed. I think it is to be regretted that, when the finances of the country were in a better condition, and the Western Extension railway was being built, this link was not supplied. I quite agree with the hon. gentleman who has just sat down on that head. I hope if the finances of the country do not admit of its construction now, they will in a year or two.

Hon. Mr. SCOTT—I am not aware that there is any recent correspondence

on this subject, or that the matter has been brought under the notice of the Government for the last three years. I understand correspondence was opened in January, 1873, and that the Western Extension Company, who would be most benefited by this work, were called upon to say what proportion they would contribute to build the bridge, but no satisfactory reply was received. If the money of this country were expended on this work, it would be practically in the interest of that company, just as the building of the bridge at Niagara is for the benefit of the New York Central. We did not contribute to that bridge. The papers will be brought down.

Hon. Mr. DEVER—I freely admit the Western Extension would be benefited by this work, but the Intercolonial Railway will also be largely benefited—more perhaps than the road from Maine.

The motion was agreed to.

## THE CANADIAN PACIFIC RAILWAY.

### HOUSES FOR ENGINEERS.

Hon. Mr. AIKINS moved :—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all contracts, specifications, advertisements, notices or information on which tenders were invited for the construction of houses for the Engineers on the Branch of the Canada Pacific Railway from Fort William to Selkirk—giving the names of the papers in which such notices or advertisements appeared, the number of insertions given, the cost of each house and the distance of each from the eastern terminus, the names of the contractors or persons negotiating for such contracts, the number of houses built to the present time, with the amount paid the contractor or contractors on each contract and the number of those houses destroyed by fire, if any.

He said—If it were possible to obtain the information covered by this motion in the blue books, I certainly would not have troubled the House, as I now propose to do, for a few minutes. It appears from the report of the Minister of Public Works for last year, that certain houses for the engineers along the Canadian Pacific Railway, were to be constructed. I find in the appendix of that year that reference is made to two, one the house erected

Hon. Mr. Scott.

for the engineer at Fort William, and the other, I suppose, somewhere up the line, but where, I do not know. I presume we ought to have in the departmental blue book copies of these contracts. I find by referring to page 58 of the report of the Minister of Public Works, that by the Act 37 Vic. Cap. 14, it was enacted that,

“Within one month of the opening of each Session, a report of the progress of the works and of the sums expended, together with copies of all contracts entered into since the last report, shall be presented to Parliament.”

My view is fully borne out, I think, from the fact that in two cases in the blue book of last year, these contracts have been referred to. I find on page 90 of the report of the Minister of Public Works, brought down this Session, that

“At Fort William a good house has been built for the District Engineer, and between that point and Selkirk, 18 smaller houses have been erected for the use of the Assistants on the line during construction, which, after the line is opened for traffic, will come into use in connection with the stations.”

Looking at the appendixes, I do not find any reference whatever to any of these contracts. I am inclined to think that contracts have been entered into by the Government for the construction of these houses, as it is not to be supposed they were erected by the Government by days' work. Now, in reference to the engineer's house at Fort William, I have this complaint to make against the Government—that tenders were invited for its erection shortly before the close of navigation.

Hon. Mr. SCOTT—Was that when tenders for the eight houses were called for?

Hon. Mr. AIKINS—I am speaking now of the engineer's house at Fort William, and which is said to be “a good house.”

Hon. Mr. SCOTT—Who was the builder?

Hon. Mr. AIKINS—The hon. gentleman can hardly expect me to answer that. I can tell him who the contractor was. As I have said, tenders were invited for the erection of this house about the close of navigation, and the contract was entered into prior, I believe, to the sailing of the last boat of the season on Lake Superior, on its downward trip. It is well known to hon. gentlemen who have

visited that country, that, so far as stocks of lumber are concerned, there are none, and that the lumber required for improvements must be obtained from Oliver, Davidson & Co., who have a mill on the Kaministiquia, or got from the south shore of Lake Superior. The lateness of the season when tenders were called for, precluded anyone from tendering successfully, except those who had stocks of lumber, and hence it is most reasonable to suppose that the tender of Oliver, Davidson & Co. would be the accepted one, and that they would be the contractors for building this house, which was the case. There are two important requisites in the construction of "a good house," as the Minister says this one is—that the foundation be good, and the lumber inside well seasoned. Last summer I had an opportunity of seeing this house, and was surprised to see the cracked ceilings and the split walls, and the joiner work at joints in many places gaping. I came to the conclusion there must certainly be something wrong with this building.

Hon. Mr. PRICE—Perhaps there was an earthquake there!

Hon. Mr. AIKINS—No, not an upheaval, but a sinking. In looking over a copy of the specification, I find there is no reference to the foundation any more than posts are to be sunk in the ground to a certain depth, but nothing is said as to whether the foundation should be good or bad. The result has been that after the building was erected and completed, it sank, and the contractor had to jack it up in order to straighten the structure. This explains the cracked plaster on the walls and ceiling, and the openings in the joiner work showed that the lumber used was not dry, which the builder stated to me was the case. The question naturally arises, what necessity was there for erecting this building at all? The Government had already a costly building there. They had a structure there, large in its proportions and in the price paid for it.

Hon. Mr. CAMPBELL—The Neebing Hotel?

Hon. M. AIKINS—Yes, the Government possessed this, and if they had wished to complete it, they have contended that they had the materials there for doing so. Why then did they construct another building at a cost of something like \$4,000?

*Hon. Mr. Aikins.*

Two buildings were not required there. What is true as to the time of inviting tenders for this engineer's house at Fort William, is also true of the other houses on the line, which are to be used hereafter in connection with stations. It might reasonably be supposed that in erecting such buildings in a wooden country, where timber is abundant, log houses would be most suitable since they were only intended in the first instance for the use of the assistant engineers, during the construction of the section. So soon as the line is open, if a different class of houses should be required, the material could be obtained without difficulty. But what do we find? In place of putting up log houses, they gave contracts for the erection of frame buildings. When the papers come down we will know how many there are, and what their cost has been. One of them, at Sunshine Creek, I saw, which is 32½ miles distant from Fort William by rail—how many miles by the Dawson Route I do not know. I am told that some of the lumber, by the time it was delivered to where some of those buildings have been erected or were contracted for, cost sixty or seventy dollars per thousand. It had to be teamed in, some of it as far as English River, a distance of twenty miles, through the wilderness. If that were all I had to charge against the Government, it might be said by them and their friends, "it is only a blunder," but there is something further: I am informed that tenders were not called for until after the close of navigation, and the contracts were not given out until after January, so that any one can understand where the lumber had to be obtained. There was none there except what was held by Oliver, Davidson & Co., and from whom it must be and was obtained. These gentlemen seem to have a general contract to furnish anything to the Government, no matter whether it be town lots, Neebing hotels, station houses or telegraph lines that they require. It may be said by the Government, it is a matter of little moment whether the contracts were let before or after the close of navigation, as the difference in cost would not amount to much. We had the statement made here the other evening, with regard to \$180,000 expended on Fort Francis Lock, that it did not amount to much, the expenditure was

only \$180,000—a mere bagatelle—it was “only a blunder.” My experience is this ; those who are negligent in small matters cannot be trusted in larger transactions. Take these specifications for the house at Fort William, for instance, in which there is no provision made that there shall be a good foundation ; the result in that case is that the building is damaged. From the first handling of this Pacific railway by the present Government, there has been a series of blunders throughout. For instance, take the steel rails transaction. I have never before opened my lips on this subject in the House, but I have had my own opinions about it. Can any one imagine that the Premier was justified, under the circumstances, in expending the large amount he did, in a speculative investment like that? They were not then needed. Had they been, whether the market was falling or not, it might, and would be said, he was justified in purchasing them. But they were purchased in a falling market, when they were not required, and they are not needed yet, and I believe, will not be all used for years to come. If there had been a large surplus in the treasury, the Government might attempt to justify the purchase on that ground, but was there a surplus? you find one of the first acts of the Finance Minister was to inform the House he had to impose fresh taxes, and they were imposed, to cover what? Why, to cover an actual or an expected deficit in the Treasury. If the expenditure on steel rails, amounting to between two and three millions, had not been made, there would have been no necessity for imposing those fresh taxes. The purchase was a most egregious blunder. Take the surveys in British Columbia. That matter was very properly criticized by the hon. member from Amherst the other day, and the only excuse that can be offered in any way for the enormous expenditure there, is that it is desirable exhaustive surveys should be made rather than have the road improperly located.

Hon. Mr. SCOTT—That is the best answer.

Hon. Mr. AIKINS—I am glad to have the hon. gentleman's approval of the necessity of exhaustive surveys where large interests are involved. We will apply this principle to the location of an-

Hon. Mr. Aikins.

other portion of the railway—that part from Selkirk westward. The hon. gentleman says exhaustive surveys were necessary in British Columbia, but we find the road located from Selkirk westward, through a country unfit for settlement. Where are the exhaustive surveys south of Lake Manitoba? The southern line was never surveyed at all, never examined, or if examined, it was done in a most perfunctory manner. It consisted in this:—the chief engineer and staff, when on their way to British Columbia, went along the Cart Trail, and when they came to the Little Saskatchewan, they looked up and down the river and said, “it is a very bad crossing,” and that was the beginning and end of the examination. The purchase of the steel rails is admitted to be a blunder, but a greater blunder has been committed in the location of the line westward from Selkirk. I contend it is a blunder, not only against the interests of Manitoba, but against the interests of the whole Dominion. That railway ought to be built for the purpose of developing Manitoba and the North-West. That certainly was one of the objects of the road, but does it accomplish this? From Selkirk westward, for one hundred miles or more, you find the best land in the North-West. That is where all the settlements are, and those who go there from the older Provinces examine the land, and settle in the fertile belt, but the railway scarcely touches that fine tract of country, and to-day you will not find an hon. member of either House who has visited Manitoba, who does not condemn the location of the line. More than that, every resident of Manitoba protests strongly against the course the Government has taken in ignoring that Province, and running the railway away north of it, where it will be of no service to them. This must be admitted as a blunder of no small magnitude. Those who go to Manitoba to settle will resent the incapacity the Government have shown in the locating of this railway. Then, let us look at another blunder, one which, to my mind, is not of a very small character. Let us come eastward from Selkirk. There you find a piece of railroad being completed to Keewatin, 114 miles long. Then you find the lock at Fort Francis and those water stretches to English River. Then there is another piece of railway 114 miles

long. You have those two sections of road, with the water stretches, the portages, and the Fort Francis Lock sandwiched in between them. The ablest defender the Government has in this House, or outside of it, admitted here the other day, that it was a blunder—that \$180,000 of the peoples' money was thrown away in attempting to use these water stretches as a substitute for an all-rail route—yet the Government go on perpetuating the blunder. Then, let us come down a little further, and I appeal to the common sense of the House to bear witness as to the truth of what I am about to state. The statement was made in this House last year that the purchase of land on the Kaministiquia showed upon its face a job. I have no hesitation in repeating—though, inasmuch as a committee is investigating it, I will not dwell on the subject and what I stated last year I stand by—that a location as good as the one purchased, and better suited for the terminus of the railway, could have been obtained for one-fifth of the money. If hon. gentlemen are not satisfied of the truth of this statement, I have no doubt whatever that in a very short time they will be satisfied that it is correct. When you sum up all those matters in reference to the Canadian Pacific Railway—and you may fairly judge of the whole by a part—you will agree with me that there has been a series of blunders from the very first day this Government had any connection with it. Taking into consideration all the facts I have mentioned with reference to these houses for the engineers, and keeping in view, also, the fact that the men who had the only stock of lumber which was available to erect them, were connected with the Fort William transaction, I think it will be admitted that it has a suspicious look—I will not say a job, that might be unparliamentary.

Hon. Mr. SCOTT—O, say it! you have said it before.

Hon. Mr. AIKINS—I have no hesitation in saying the Neebing Hotel and Kaministiquia land purchase is a job, and one of the grossest, for a small matter, ever perpetrated in Canada.

Hon. Mr. PENNY—That is saying a great deal.

Hon. Mr. AIKINS—I will hazard this statement, that the series of blunders in

*Hon. Mr. Aikins.*

connection with this Pacific Railway is not rivalled by those perpetrated in connection with any enterprise of similar magnitude on this continent. I have not the least doubt, if we could get those papers for which I ask in time to examine them this Session, all that I have stated with reference to the time of inviting tenders would be found correct. We labor under this difficulty, we cannot get papers down for weeks and sometimes months after we move for them. Two sessions ago, I asked for papers which have never been submitted to the House. Last Session I asked for papers and I have not got them yet. It is true, we have not been long sitting this year, but one of the first motions made this Session was for papers, which I think a clerk could furnish in a few hours, and they are not brought down yet.

Hon. Mr. SCOTT—Is that with respect to the telegraph.

Hon. Mr. AIKINS—Yes. I would much rather not make these remarks in moving for the papers, but the chances are the return will not come down until it is too late to look at it this Session.

Hon. Mr. SCOTT—I will give the hon. gentleman my assurance that there will be no delay in bringing down these papers, that is, all the papers in the possession of the Department. There may be some which would involve the necessity of communicating with Fort William, and possibly Selkirk.

Hon. Mr. AIKINS—The houses are completed, and consequently, the papers must be here.

Hon. Mr. SCOTT—I am quite sure when my hon. friend sees the papers, he will be prepared to withdraw the insinuation that this is a job. The original papers, which I hold in my hand, and which he can see if he so desires, are all papers connected with the subject in the Department. They do not cover some of the buildings which the hon. gentleman has mentioned. The first instructions given for the erection of the houses were contained in a letter from Sandford Fleming to Samuel Hazlewood dated May 6th, 1875. That was before Mr. Hazlewood went to Fort William to take charge, and, I believe, before we were the proprietors of Neebing Hotel. The two buildings, one costing \$1,600, and the other \$4,000,

were erected that year. When the attention of the Department was called to the expenditure going on, instructions were issued that no further expenditures should be entered upon without being authorized from the head office. It arose from a letter from Mr. Braun to Mr. Fleming, asking by what authority buildings were erected there. Upon receipt of that letter, Mr. Fleming communicated with Mr. Hazlewood, calling his attention to the instructions of the Department, and directing him on no account to receive tenders for buildings unless submitted here. Unfortunately, before that letter reached Mr. Hazlewood, he had issued notices calling for tenders for the erection of eight houses.

Hon. Mr. MILLER—In what year was that?

Hon. Mr. SCOTT—This was in 1876. A copy of this notice was sent to the Department. Mr. Fleming was again addressed on the subject, and peremptory orders were issued that the buildings should not be gone on with unless the authority of the Department was given for them. This notice is signed by Mr. Hazlewood, and on that the tenders of nine persons were received. The contract was given for those eight houses to the lowest, Lemay and Blair.

Hon. Mr. MILLER—With no authority from the Department here?

Hon. Mr. SCOTT—I have read the authority. Mr. Hazlewood assumed he had the authority, but the letter from Mr. Fleming showed he had exceeded the authority given to him. Unfortunately it is rather unpleasant to speak of Mr. Hazlewood, inasmuch as he is now dead, and therefore, I should make any statement bringing his name in question, with great caution. In the spring of the year, when Mr. Hazlewood was informed of the peremptory orders of the Department, it appears only four of the buildings had been really undertaken, consequently the contracts for the remaining four were cancelled. There were four buildings erected, one of which, I believe, was burned.

Hon. Mr. AIKINS—Two, I believe, were burned through neglect.

Hon. Mr. SCOTT—Orders were given if the contractors in good faith had pro-

*Hon. Mr. Scott.*

cured materials, that they should be paid for them.

Hon. Mr. MILLER—Did the Government continue Mr. Hazlewood in their employ after it was discovered he had thus exceeded his orders?

Hon. Mr. SCOTT—Yes; I think he was continued in Government employ.

Hon. Mr. AIKINS—Can the hon. gentleman inform me if the buildings were frame ones?

Hon. Mr. SCOTT—They were to be built of the most suitable wood to be found in the vicinity. I suppose that was on the ground of economy. To have built them of masonry in such a remote place would have involved a large sum. The lowest tender for the building of the eight houses was \$23,409, so that the average cost of each building would be between two and three thousand dollars. Considering the very remote point at which the buildings were erected, the price would not be an excessive one. My hon. friend must know that the cost of building here is no standard to the cost of building there, because the price of everything is enhanced by the remoteness of the place and the cost of getting materials there. When he sees the correspondence, he will be prepared to acquit the Department of any connection with a job in this matter. On the line of argument adopted by my hon. friend, the Minister of Public Works would require not only to duplicate himself, but to triplicate or quadruplicate himself, if he were to go over all the details of every work under that Department, embracing an area of works of 4,000 miles from the Atlantic to the Pacific. If he cannot trust the officers employed he is entirely powerless. It is quite impossible that works can be carried on in remote places unless some discretionary power is given to the head of that particular branch. The Government had no idea Mr. Fleming would be influenced by any desire but to get the largest amount of work done for the smallest value. Mr. Fleming has a reputation in this country, and it would be quite improper for the Government to suspect that he had any wrong motive for his action in connection with the construction of those houses. My hon. friend has imported into this debate a number of subjects that have been discussed in this

House before. He commenced with the Pacific Railway, and found fault with the Government because the surveys in British Columbia were exhaustive; then coming east he found fault with the Government because he considered the surveys were not exhaustive.

Hon. Mr. AIKINS—I said the only excuse for the delay in locating the line in British Columbia was because the surveys must be exhaustive, and I said apply that principle to the other.

Hon. Mr. SCOTT—My hon. friend charged the Government with having failed to make exhaustive surveys in Manitoba. I assure my hon. friend and this House, and the country, that it would have been much more satisfactory to this Government had we been enabled to cross the Red River with the railway line at the capital of Manitoba, and to carry it south of Lake Manitoba. I have myself felt it would be much better if we could do so, because we had evidence before us that we had some population there, and that it was likely to increase and furnish traffic for the railway. Looking at the map and taking all the circumstances into account, one would naturally say the line should be carried that way if the country were suitable for its construction. But in this, as in other public works, the Government must act on the reports of the engineers. If the Government were to examine the routes personally, and arrive at their own conclusions, irrespective of the opinions of the engineers, would the House be satisfied to accept such a decision? It would rather expose the Government to the charge of having been actuated by motives which might be called in question. Therefore, it is the natural policy in all those cases to be guided by gentlemen whose reputation is such that their advice is accepted by the country as that of an impartial judge. It is on such advice the Government have decided to construct the line north of the lake. The hon. gentleman knows when this subject was brought before the committee last year, the attention of the Government was called to the advisability of seeking for a route south of Lake Manitoba. I concurred in that view, because I always felt it would be infinitely more satisfactory if we could find a line there. My hon. friend knows the

*Hon. Mr. Scott.*

engineers were called upon to look for a line south of the lake, and again they reported it was impossible to find one. It is quite obvious from the evidence given by Mr. Fleming before the committee last Session, that he was concluded in the opinion, and it was shared by those who were associated with him, that in consequence of the very wide banks of the streams west of Manitoba, it was quite impossible to find a line south of the lake. He, himself, said his natural inclination was to find a line there, because it was through a settled country, and through very fertile land for at least a hundred miles west of Red River, and he looked for a line in that direction first. Now, in the face of that evidence, neither this, nor any other Government would be justified in accepting the judgment of unskilled gentlemen in this House, or of others outside of it, that the line should be south of the lake. If they did, they would have to dismiss their engineers, get a new staff and instruct them to find a line in that particular direction, that such was the policy of the Government. The object in building the railway, in the first place, was to get connection with British Columbia by the shortest and best line.

Hon. Dr. CARRALL—Did not the hon. gentleman express the opinion on the hustings that the railway would not be completed for forty years.

Hon. Mr. SCOTT—I am quite aware that I made use of that expression. We commenced to build that road eight years ago, and one-fifth of that period has now elapsed. I made use of that expression in rather a figurative manner, and I don't think I should be bound down to it.

Hon. Mr. PENNY—Perhaps you were right.

Hon. Mr. SCOTT—It requires no prophetic eye to see it will be a considerable time yet before the line can be completed. I hope my prophecy will not be fulfilled, and that it will be built at a much earlier date. I made that statement to show my belief that the agreement of the late Government to build this road in ten years was a very idle one; that they promised what it was absolutely impossible to accomplish. My statement was, no doubt, made in a very exaggerated form. I explained this on a former occasion, and I

trust I have satisfied my hon. friend. Coming eastward, the hon. Senator from Toronto takes exception to the location of the line between Lake Superior and the Red River. There again I concur with him, it would have been better if we could have followed the general direction of the Dawson Route. We know that the people who travelled over this country 200 years ago, had a pretty good knowledge of the lie of the land. The trails followed by the Jesuits are now the favorite lines of travel. The Indians knew more about the country than we do, and therefore it would have been advisable to have found a line by the Dawson Route, if possible. We asked Mr. Fleming whether it would not have been better to build the road by Sturgeon Falls. He said "yes." I think he stated that he spent one season and part of another looking for a line there. He got as far as Sturgeon Falls, but could not get a line that we would be justified in adopting, to Lake of the Woods. He was obliged, therefore, to carry his line north to reach Rat Portage. Mr. Fleming, after giving the subject all the attention it deserved, and with his prejudice in favor of the Sturgeon Falls route, had to abandon it. At the time he was trying to find this line, the Fort Francis Lock was conceived. It was gone on with, and it was hoped the line by Sturgeon Falls would be found suitable. Considering the saving it would have effected in carrying rails through, inasmuch as it would save 150 or perhaps 200 miles of transportation by railroad, the Government were justified in undertaking the work. As I said before, the Government must be guided by the reports of the engineers, and when their decisions were so decidedly adverse to this route, no Government would be justified in following the route *via* Sturgeon Falls contrary to the advice of the chief engineer, in whom they have every reason to place confidence. If they had not done so it would have been their duty to dismiss Mr. Fleming and those of his staff who support that view, and endeavor to find a staff that would carry out views on this matter in harmony with those of the Administration. I do not think this House would justify the Government in any such arbitrary act. I do not think it would have been the proper thing for the Government to do, unless we were satisfied that Mr. Fleming and his officers were incompe-

Hon. Mr. Scott,

tent, that they had some corrupt motive, or were privy to some job. Certainly, the Government had an honest desire in both of those instances, to locate the line in accordance with popular opinion—to satisfy the people, certainly not to make the line longer, nor to make our own works inoperative and useless. It would have been considered a very extraordinary thing, had the Government refused to accede to the request to deflect the road north by Port Savanna and English River, when we believed that was more in the line of the Pacific Railway. The engineer, after mature judgment, condemned the line which we believed was going to be constructed by Sturgeon Falls, and were we to abandon this work commenced at Fort Francis where it can be made of material advantage to the country, now that so much money has been expended on it? Is it not better to go on and build it? It is perfectly certain that had it not been supposed that the railway was to be constructed to Sturgeon Falls, the Fort Francis Lock would never have been commenced.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. SCOTT—Nobody ever dreamed, for a year after that work was commenced, that the line would be deflected away to the north.

Hon. Mr. MACPHERSON—Why was the work on the lock continued then?

Hon. Mr. SCOTT—Because the Government believed that it would be of considerable local advantage. After the line was deflected, the lock was narrowed down to its smallest dimensions, in order that less public money should be expended upon it. The locks were originally intended to be seven feet on the sill; now they are somewhere about 4 feet or 4½ feet. In every way the expenditure was being cut down, in order that the least possible amount of money should be expended upon it, as a local work. I believe we will have evidence, before the committee is through with the enquiry, that perhaps it is well that the Government did go on and complete the work, and make the best of it. As I said before, it never would have been undertaken by the Government if the original line had been located where it is to-day.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. MACPHERSON—But it was stated by the Premier last Session, and by the hon. Secretary of State himself, that it could be used, and would be used, in connection with the Pacific Railway.

Hon. Mr. SCOTT—No doubt it will be used, for there is that 180 miles of a gap between Rat Portage and Port Savaune, that will not be constructed for a considerable time. I do not think it will be constructed for four years, and it will, no doubt, in the interval be considerably used. My hon. friend knows that considerably over a million of dollars was expended on the Dawson Route, and what is there to show for it to-day? We can show from the Public Accounts, that the year before this Government came into power, a million of dollars had been spent on that road and there was nothing to show for it. We can at least show a pile of stones and a lock that will give navigation from Rainy Lake to Lake of the Woods.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—Where is the million dollars expended on the Dawson Route? We felt it was desirable that we should have a route through our own territory to communicate with the North-West independent of the United States. Everyone knows how expensive it is to carry on work of any kind in that region. Capt. Dick, while before the committee yesterday, said the freight alone for bringing material in there to build the steamers that were placed on the lakes was \$140 per ton. I asked Capt. Dick what the cost of constructing the boats was, but he was afraid to answer the question. He described the size, the length, the breadth and the depth of them, and said they were only intended to draw three feet of water, but he would not say what they cost. I said "Did they cost \$250,000," but he was afraid to say how much, but that they had cost a very large amount. It is evident that the boats cost nearly as much as the lock will cost.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—It is in the range of possibility that embargoes and difficulties might be thrown on our traffic with the North-West by a foreign power, and we might be compelled under stress of circum-

*Hon. Mr. Scott.*

stances to use this route for some time before the railway is completed.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—It will be remembered at the time of the difficulties in the North-West when General Wolsley had to take troops there, it was found necessary to take them by the Dawson Route. In sending up troops and munitions of war, it is a very delicate thing to propose to a neighboring nation to allow them to pass through their territory, and although this is a very expensive route, and might be classed as extravagant, keeping it open, still it is a public necessity as long as we have that North-West Territory, which I hope will always be a part and parcel of this Dominion. It is imperative on this Government to have a right of way through our own territory—a route of communication—and the only way we can accomplish this is by keeping this route open. I do not argue that this lock is going to be available for commerce. I am not going to stultify myself by saying anything that is not reasonable, and would not recommend itself to any unprejudiced mind that desires to look at this question from a disinterested stand-point. It is very unfair that hon. gentlemen should charge the Government with blunders, mistakes and jobbery. I do not think it is becoming—in this Chamber particularly—to denounce this Government as being guilty of "jobs." They are answerable for the conduct of their engineers and officers, just as I am answerable to a certain extent for the acts of my own servant. We know that our clerks sometimes exceed their authority and sometimes compromise their employers. So it is with the public service, and just so far as the public servants over this Dominion necessarily have larger and more discretionary power, so this Government or any Administration are liable to be led into traps and suspicious positions by their employees. This correspondence shows that the Government could not, if they had foreseen what was going to happen, take any other course than they had adopted. Mr. Braun writes to Mr. Fleming, calling his attention to this matter, and wants to know why expenditures connected with the Pacific Railway are not submitted to the Department before they are undertaken. I suppose Mr.

Fleming, with the experience of former years, has had to give his officers wide discretion.

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. SCOTT—The Government cannot, in their own departments, supervise the details of this whole country. They must trust to their servants; they must trust to some one, and so long as they act with reasonable caution; so long as they have no just cause to suspect either the honesty, integrity, or capacity of their servants, just so long must they stand, in some degree, by their official acts. Until they suspect their officers have been actuated by corrupt motives, or are open to some corrupt charge; up to that point it is the duty of the Government to stand by them. I must apologize to the House for having been led into this debate, but I feel it to be somewhat necessary to give my explanation on some points to which the hon. gentleman from Toronto has alluded.

Hon. Mr. MACPHERSON—The hon. Secretary of State has, with a good deal of ingenuity, availed himself of this motion to recede from the ground which the Government formerly held upon the Fort Francis Lock question. The hon. gentleman has admitted to-day that that lock is useless for purposes of commerce, and as a means of connecting the two ends of the railway now being constructed east of Port Savanne and west of Rat Portage. He has admitted that distinctly to-day. The hon. gentleman has heard evidence given before the committee to whom the question was referred, which cannot leave any doubt upon his mind that that is the fact. It was only last Session—one year ago—that the Minister of Public Works in another place, and the hon. gentleman himself in this House, stated that this lock would afford a means of communication to carry on the trade of the country between the two ends of the railway, and that there were only two or three small portages to be overcome in addition to the Fort Francis portage, which was the most formidable on the whole route. Now, the hon. gentleman has discovered, instead of its being the most formidable, it is really the least so.

Hon. Mr. SCOTT—It affords the longest water stretch by means of the lock.

*Hon. Mr. Scott.*

Hon. Mr. MACPHERSON—It does not give the longest water stretch, because there are three obstacles to be overcome before boats which can be considered useful for the purpose of commerce, can avail themselves of it. The fall at Fort Francis is one of the lowest, and the portage is one of the easiest of the portages between Rainy Lake and Lac des Mille Lacs. The hon. gentleman, however, gives up the lock as being useful for the purpose of commerce, but he says it may be useful for some other purpose. I think his mind must be satisfied that this is not the case, but that the work will be thoroughly useless.

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. MACPHERSON—If the railway had been constructed from Lake Superior to Sturgeon Falls, then this lock would have been of use, and I have no doubt when the construction of the lock was determined upon it was the intention to build the railway to Sturgeon Falls—in fact it was under contract for part of the way. But when that route was abandoned and the northern location was selected for the railway, why was the expenditure on the lock continued? Why was the country deluded and deceived by the members of the Government stating that the lock would afford means of communication between the two ends of the railway and serve the purposes of commerce? The ignorance of the Government was inexcusable for the facts were to be found in the reports of their engineers. But the expenditure was continued, and it was only last summer, in a quiet sort of way—so quiet that even the chief engineer of the Pacific Railway in whose charge the work is could not tell the committee who ordered it—that the depth of the water in the lock was reduced from seven feet to four feet and a half, and that also was done in such a quiet way that the chief engineer did not know it was done at all.

Hon. Mr. SCOTT—He was in British Columbia at the time.

Hon. Mr. MACPHERSON—He knew nothing whatever about it. Now the hon. gentleman, having given up the lock as being of no use for purposes of commerce, falls back on its use for warlike purposes.

Hon. Mr. SCOTT—I said "local purposes."

Hon. Mr. MACPHERSON—And for the purpose of sending troops and munition of war through. If we should have the misfortune to be engaged in war—of which there is no chance—there is but one people with whom we can have such a difficulty, as we have but one neighbor and this lock is on the boundary line between Canada and the United States on the frontier which our neighbor can command very much better than we can.

Hon. Mr. SCOTT—The same reply might be made respecting the Cornwall Canal.

Hon. Mr. MACPHERSON—The difference is this, that the Cornwall and Beauharnois Canals were built for the purposes of commerce and are useful for commerce. We had a canal which was built expressly for military purposes—the Rideau Canal—but it was not sufficient for the trade of the country, and the St. Lawrence Canals were constructed. The hon. Secretary of State spoke of the location of the railway west of Red River: I don't know whether the House is to understand that it is irrevocably located on the northern route. I hope it is not, because I believe that a greater blunder cannot be committed in connection with this railway. I visited that country last summer and obtained some knowledge of it. Any one looking at the map, would say that there is only one line for a railway to follow from the river westward. I believe the country between Red River and the Narrows of Lake Manitoba is especially unfit for a railway. I was informed that the waters of Lake Manitoba are higher than a great part of the country near the lake, and in high water the lake overflows into the land, so that it will be impossible to drain that country; that, to a very great extent, it is a marsh or muskeg, the water of which comes from Lake Manitoba. Any one will see that to carry the railway through that country would be a very great mistake. I met but one man who said he had gone over the located line of railway from Selkirk to the Narrows of Lake Manitoba in summer. It is an extraordinary fact, but I was assured it is a fact, that the railway engineers, telegraph engineers, telegraph contractors

*Hon. Mr. Macpherson.*

and telegraph inspectors, generally managed to find it convenient to traverse that country in the winter. The contractors for the telegraph erect their poles in the snow and frozen moss; they stand there during the winter, but the moment the spring thaw comes down they fall. I only met one man, as I have already stated, who said he had gone through on the line of the railway in summer. He had done so for the purpose of tendering for a contract for some part of it, and he had to travel a considerable portion of the way on snow-shoes to support him on the reeds and prevent his being lost in the marsh. He carried a twenty-foot pole with him to test the depth of the marshes and often could not get bottom with it; yet this is the country through which this section of the railway is located. I hope the Government will not be in a hurry to commit themselves irrevocably to that location, and that the error which they have made in the Fort Francis Lock will not be repeated on the west side of Red River, to a more serious and costly extent, by the construction of the railway where the location may have to be abandoned after a large sum of money has been expended upon it. The hon. Secretary of State said he believed it would be a long time before the central section of the railway between Lake Superior and Red River would be completed.

Hon. Mr. SCOTT—I said four years. It is impossible to tell the exact time.

Hon. Mr. MACPHERSON—The hon. gentleman spoke most indefinitely, and I believe he spoke correctly, for the Chief Engineer told the committee that he has not received instructions to proceed with it. I cannot be contradicted when I say that the whole expenditure between Lake Superior and Red River will be utterly useless until the railway is completed throughout, and if the Government delay the construction of that central section for any length of time, the two end sections already being built will be so far advanced in decay as to be nearly useless before the connection between them is made, and there can be no traffic on either of the sections being constructed, until the whole line is completed.

Hon. Mr. MILLER—I do not desire to prolong this discussion, but there are one or two points in the remarks that

have fallen from the Secretary of State that I wish to direct attention to. I do not think it is desirable to have discussions on questions like this when the papers are not before the House. While this is the case, I do not consider it is fair for the hon. Secretary of State, with the papers in his hand, and with the knowledge which is not in the possession of other members, to come before the House and so widely diffuse the discussion and attempt a defence of the general policy of the Government on the Pacific Railway question.

Hon. Mr. SCOTT—I was simply answering the mover.

Hon. Mr. MILLER—I am aware that the hon. gentleman who moved for those papers, did not confine himself strictly to the terms of his motion, but he certainly did not wander over all the ground which the hon. gentleman who followed him chose to occupy.

Hon. Mr. SCOTT—I do not think I touched on half the topics that he did.

Hon. Mr. MILLER—The hon. gentleman certainly did widen the discussion further than he was justified in doing. However, I wish to call the attention of this House to a point that the hon. Secretary of State has raised here not only to-day but on other occasions as well, as to the responsibility of the Ministers of the Crown with respect to the public works of the country.

Hon. gentlemen—Hear, hear!

Hon. Mr. MILLER—This question is one of very grave importance, and if it is to be laid down as a principle, under our constitutional system, that ministers in this House are to be released from responsibility for the acts of their subordinates, and can shield themselves behind their officers, then we are no longer to have any responsibility in connection with the public works of this country. The principle on which the hon. Secretary of State has attempted to shelter himself and the Government to-night, is one that is subversive of all that ministerial accountability which is at the foundation of our system of constitutional Government. The doctrine of ministerial responsibility is so far reaching that, for every official act of a public officer, there must be some one responsible until at last the aggregate responsibility is centred in the head of

*Hon. Mr. Miller.*

the department. The minor official is responsible to an official of a higher class, who in return is responsible to the higher class of subordinates, who in turn are responsible to the minister and the minister is responsible to Parliament for all acts connected with his department; therefore, to lay down the monstrous proposition that a ministry can come in here and shelter themselves under the cloaks of their subordinates when gross blunders have been committed, is a principle so dangerous to everything like constitutional government, that we cannot denounce it too strongly every time we hear it in this House, especially when the Government retain such faulty subordinates in their offices. But in the present case there is something much worse than that. Let us come to the terms of the resolution of my hon. friend relating to the contracts for the building of engineers' houses, and in connection with that question the whole responsibility is attempted to be devolved upon a subordinate of Mr. Fleming's—not the chief—and that subordinate is dead. Now, if the subordinate had been guilty of acting so largely in excess of his authority as to give out tenders for those eight buildings, as the Secretary of State alleges, how is it that that officer was retained in the service of the Government afterwards?

Hon. Mr. SCOTT—Instructions went from here to him about the matter, but before he got the instructions he had issued this notice for tenders.

Hon. Mr. MILLER—But is that all the Government should have done? A suspicious circumstance connected with this defence of the Government, as every man must see, is that now the whole thing is devolved upon a dead man.

Hon. Mr. SCOTT—But it is not pretended that there is anything wrong.

An hon. gentleman—Dead men tell no tales.

Hon. Mr. SCOTT—It is not pretended that the buildings cost more than they should have cost.

Hon. Mr. MILLER—That and much more is contended with too much force and truth. What is the fact with regard to the buildings? We are not, it seems, to call any of those suspicious acts "jobs," but "blunders," and if it is more agreeable to the Government, I will call those

acts blunders, if it please the hon gentleman. But what answer has the Secretary of State, even with all the papers in his hands, attempted to give to this House, when it is charged that those tenders were called for at a season of the year when it was impossible to have communication with the outside world, and when only certain individuals or a certain company, the notorious firm of Oliver, Davidson & Co., that has been receiving such enormous sums of money in connection with the Kaministiquia terminus and the Neebing Hotel, from this Government, are the only people in a position to supply lumber and take this contract? These are extraordinary coincidences which point in the direction to even any unsophisticated mind, that the whole thing is a scheme to put more money into the pockets of those people. It looks like it, and it is as well to say so. Why was there any necessity for building a house for the engineers at Kaministiquia at all? The country had already been mulcted to the tune of \$5,900 for Neebing Hotel. If that building was worth \$5,900 surely it was good enough for the residence of the engineers.

Hon. Mr. SCOTT—The hotel had not been erected when the other house was built.

Hon. Mr. AIKINS—That building was erected before the engineers' house, and the plan of the requirements of the Government for the railway terminus was registered five months before the engineers' house was constructed.

Hon. Mr. MILLER—I cannot express the astonishment and suspicion that pervades the country from one end to the other, to find that it is impossible to touch any portion of this gigantic undertaking—the Pacific Railway question—without unearthing something that will not bear the light of day. One day we have the Kaministiquia job, by which the Dominion is made to pay an enormous sum of money for a comparatively valueless property, and the money goes into the pockets of the friends of the Government. Then we have the gigantic blunder in connection with the steel rails, by which the country has lost hundreds of thousands of dollars; then we have again the Georgian Bay branch blunder as you so call it, by which a large amount of money is again lost to the country.

*Hon. Mr. Miller.*

Hon. Mr. SCOTT—It is no blunder.

Hon. Mr. MILLER—That money, too, has been lost under circumstances that it is not necessary to allude to, because they are fresh in the mind of every hon gentleman in this House, and the money lost to the country again gets into the pockets of a friend of the Government. Everything, to the purchase of the steel rails through friends who had the confidence of the Government, the Kaministiquia terminus, the Georgian Bay contract, which was given to a friend of the Government, the late Mr. Foster, are blunders, which in all cases have cost the country enormous sums of money, and without exception, that money has gone into the pockets of men who are friends of the Government, or who have rendered essential services to the party in power. Then, with regard to the Fort Francis Lock, what different phases, what chameleon arguments have we not had in this House on that question during the past two or three years. At first we were told it was an indispensable portion of the Pacific Railway under the water stretches scheme; next we were told it was indispensable for purposes of local commerce, and we have heard to-day for the first time, that it may be possible before the Pacific Railway is completed that it will be useful for purposes of war, and in that view alone the expenditures of the Government on it are perfectly justifiable.

Hon. gentlemen—Hear, hear.

Hon. Mr. MILLER—The House and the country have been treated to arguments and representations on that question which should not be addressed to the intelligence of children even, showing from year to year in the management of the public business of the Dominion, not only incapacity and vacillation, but an imbecility of administration in connection with our greatest public works, which alone ought to be the means of driving this ministry from power as soon as the people have the opportunity of speaking. It is hard to say how many of those blunders might be referred to if we had the means of obtaining information in regard to the whole line such as we have obtained in reference to a small portion of it, through the active and indefatigable exertions of my hon friend from Toronto (Mr. Macpherson) and the mover of this motion, who have

given this House and the country the benefit of their personal experience and investigations. It is unfortunate that they have not had the opportunity of gaining personal knowledge of other portions of this great work, which no doubt would have revealed similar extravagance and blundering, in connection with their whole railway operations. Of all the blunders, however, the greatest in my opinion, is the leaving unfinished of the 180 miles between Port Savanne and Keewatin.

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. MILLER—It has been shown that the two ends now being constructed, will be useless through decay in a few years, and from the way in which the hon. Secretary of State speaks today, and the policy which the Government intend to pursue with regard to that link, it is evident that for ten years we will not see any continuous line of railway from Lake Superior to Red River. In the meantime the millions of dollars which are being expended in the construction of the two ends of the line will not only be perfectly useless, but if in six or eight years hence, when the missing link is completed, the greater part of the work on the ends will have to be renewed, and the money now being expended will be almost entirely thrown away. It is most extraordinary, I repeat, looking at this whole question of the Pacific Railway that, so far as we have had the means of obtaining information, every thing the Government have done from the first foolish scheme of the water stretches down to the present hour, in connection with this enormous work, has been a blunder, or something worse.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. MILLER—If it is through incapacity it is bad enough, but if it is through unfriendliness to the undertaking, or something worse, it is more serious still. Looking at the Government we find that it is composed of members, many of whom have been distinguished in the past for their hostility to Confederation, and the binding together of the provinces of the Dominion with an iron link that will secure their autonomy and connection

*Hon. Mr. Miller.*

with the British Empire. Looking at the fact that men known to be hostile to the construction of this great national work, to such an extent that one gentleman who is now a minister of the Crown, shortly before he took office, stated what he blamed the Premier for when he came into office was that he had not repudiated the whole thing; it affords fair ground for reflection on the part of the people to say whether those blunders are not something more than blunders, and whether there may not be at the bottom of it a want of good faith towards the people of Canada in dealing with a subject of the first importance to our national character and aspirations. It is because, as I fear, the policy of the Government on this subject is not an honest policy, that it has been marked by such blundering that no man can seriously defend it, as the arguments of the Secretary of State clearly prove.

Hon. Mr. HOWLAN—I have listened, since I have had the honor of a seat in this House, for the announcement by the leaders of the Government of a national policy with regard to the Pacific Railway. I have listened attentively in the other House also, and I must say from my experience of responsible government, if the hon. gentleman who holds the opinion that the expenditure for the selection of a route for this railway is a waste of public money, he is bound, as a public spirited man, to come out of this Government, for they are not certainly carrying out his views on this question.

Hon. Mr. SCOTT—Who does the hon. gentleman refer to.

Hon. Mr. HOWLAN—To you.

Hon. Mr. SCOTT—I have not made such a statement.

Hon. Mr. HOWLAN—When the hon. gentleman has stated that in his opinion every single dollar that has been expended for the construction of the Pacific Railway has been wasted, and continues to sit at the Council Board that devotes three millions of dollars for that purpose, I say he should resign his portfolio. Everyone in this House has heard the hon. gentleman say, if he had his way he would not have spent a single dollar on the Pacific Railway. In season and out of season, in public and in private, on the floor of this House and upon the public platform outside of the House, the hon. gentleman has

distinctly and repeatedly said, if he had his way, not one dollar would be spent in the construction of this great national work.

Hon. Mr. SCOTT—The hon. gentleman is entirely in error.

Hon. Mr. HOWLAN—I can only say that if I am in error, two-thirds of the hon. members of this House must be in error, and the public press must have been in error. When the Prime Minister was taunted with the fact that the Government were not in earnest in carrying on this great work, what was his reply. I will quote from the *Hansard* for 1877, page 691 :—

“ With regard to the statement that the Government had not used sufficient diligence in prosecuting the surveys, he had merely to note the fact that during the first half year hon. gentlemen opposite spent \$489,000; in the second year up to the time the present Government succeeded to office, \$561,000. There were expended during 1873-74, \$310,000; in 1874-75 \$474,000; in 1875-76, \$791,000; from June 1876 to December, 1876, \$509,000, or a total expenditure during the five years of \$3,136,615, on those surveys. He asserted without fear of contradiction, that it would have been impossible for the Government to have shown greater diligence than had been shown up to this moment.”

Now, what must be thought by the people of this country and the hon. gentlemen of this House, of a Government who believe that it is not in the interests of this Dominion, that this railway should be built, yet they go on and expend money for surveys to locate the line! It is the most extraordinary statement I have ever heard in the whole course of my experience of politics. We were told the other day that the Fort Francis Lock was a blunder, and when the Government were charged with it, an hon. gentleman who is not now in his seat, defended the Government by referring to contracts made by the late Government thirty years ago. I can only compare this defence of the Government to that of the man who coming home from church knocked down a Jew for the sins of his forefathers. What had we to do with the affairs of thirty years ago? As for my part, I refuse to hear anything of the politics of the country previous to 1867. In the altered state of affairs, it is not necessary I should, as my time should only be occupied by the matters of the living present. There is no justification for the policy of the Government with

Hon. Mr. Howlan.

regard to the Pacific Railway, and they are forced to acknowledge their Fort Francis Lock was a blunder, and the man who committed the blunder was dead.

Hon. Mr. SCOTT—I made no such statement. Mr. Hazlewood's name simply came up in connection with the contracts for the engineers' houses.

Hon. Mr. HOWLAN—Does the hon. gentleman believe that it was not a blunder, the building of the Fort Francis Lock? Does the hon. gentleman say so now?

Hon. Mr. SCOTT—I say when the lock was commenced it was on the line of the Pacific Railway, and when Mr. Fleming came to the conclusion that the line would have to be deflected northward, the Government, having made some expenditure on the lock, thought it better to go on and complete it, because there was good land along Rainy River, and it would have certain local advantages, but if the railway had not been at first located by Sturgeon Falls, the lock would not have been commenced.

Hon. Mr. HOWLAN—It is the most extraordinary statement that the Government have yet made, that they have to depend entirely on the reports of their engineers. If such a statement was made in the British House of Commons, the Government would soon have to resign their office. In the first place, they laid down a certain line of railway, in which, according to the hon. gentleman's doctrine, they must have been guided by the advice of their engineers. But, after expending \$180,000 on the lock at Fort Francis, this line is abandoned, and, on the advice of their engineers, they take another line, this money is wasted and the Government throw the whole responsibility on their officers. Other complaints of a similar character come from an hon. gentleman from New Brunswick, respecting the improvement at Oromocto Shoals; another hon. gentleman shows where money has been wasted in locating the railway north of Manitoba, and it is the same with every public work they have undertaken throughout the Dominion. Not only that, but the country has been led to believe that the wisdom exhibited by the Government in selecting and buying at that particular time sufficient steel rails for building the railway, was an act of great commercial policy, and

now we are told, in the very next breath, that road is almost the ruination of the country, while we have those steel rails lying in piles and rusting away. I think the thanks of this House and of the country are due to the hon. gentleman from Toronto, who has so completely sifted this case as to put it out of the power of any member of the Government to defend it at all. But the most extraordinary thing of all is the building of the Fort Francis Lock for carrying munitions of war. The man who would carry munitions of war by such a route would be part and parcel with the Government. Of all the extraordinary statements which I have ever heard, this beats them all, and hon. gentlemen of this House are called upon by the hon. Secretary of State, in his usual bland manner to accept the statement that in the profundity of wisdom, that far reaching, statesmanship, that vigilant exercise of watchfulness for the future safety of this country—the Government caused this great Fort Francis Lock to be built in the heart of the country. The statement is so absurd, that I am satisfied the hon. gentleman must be imposing on himself the fancies of some child's dream, for I venture to assert that the staunchest supporter of the Government must laugh at the idea of munitions of war being transported through the Fort Francis Lock. This lock contains some four feet of water, and then, after traversing it, where would your munitions of war be? The joke is so good that I would recommend it to *Grip* for the next cartoon, and would suggest the following sketch—The lock with the *Northern Light* carrying munition of war, with the members of Government poleing her through the canal, with the minister of war watching for the Yankees some sixty miles or more distant. In my own Province what do I find? I find blundering there also, and I suppose the engineer, whoever he is, is responsible for this too. I find in the House of Commons information is asked for with regard to Cascumpec Harbor, in Prince Edward Island. Certainly the Premier must have been misled by his engineers, when he made the following reply, which I quote from the Commons Hansard for 1877, page 1069.

“The Government had placed \$10,000  
“in the estimates to improve the harbor of  
Hon. Mr. Howland.

“Malpec, which was situated further east, and  
“when the contemplated improvements were  
“made on St. Peter's Bay, which was still fur-  
“ther east, the North Shore would be furnished  
“with far harbour accommodations, and vessels  
“drawing from 10 to 14 feet would obtain  
“access to Cascumpec.”

Now, if you can conceive that improving the harbor of Quebec, would rise the water at Montreal, you have some idea of the information that is here furnished by the head of the Public Works Department. Fancy an engineer improving a harbor sixty miles away from another along a coast line, for the purpose of increasing the depth of water at Cascumpec! It is one of the most extraordinary things I ever heard of in my life. But, if the engineers are alone responsible, it is the easiest thing in the world to be a member of the Government. The engineers are running this whole country. They are selecting the railway route, building railways, canals and locks, purchasing town plots and steel rails—doing everything, in fact. In portions of the neighboring country, when a man has a case in court he never thinks of getting good counsel; the first thing he does is to buy the judge. I think when I want any improvements in my part of the country, I will have to get on the right side of the engineers. It is a most humiliating position for the Government to occupy, to say they have no control in any way over the public works of the country, but act under instructions from the engineers. I had an impression that the Government sent engineers to report on public works, and received information from them, but exercised their own judgment, and that must have been on the mind of the hon. Secretary of State when he said at the close of his speech it was the intention of the Government to build the road through Manitoba in such a place and in such a way as would be acceptable to the people. That was statesmanlike; but in the commencement it was to be built in such a place as would be suitable to the chief engineer. We can understand how the engineer, if he was the most competent man in America, must receive his reports from his subordinates, so that, so far from having the Chief Engineer to fall back upon, in a great many cases it must be the assistant engineers. I find, so far as my experience in this House is concerned, it is almost useless to ask for papers. The

Government delay them, and in many cases they are not brought down until the following session. I venture to say we have heard more of the policy of the Government with respect to the Pacific Railway in the speech of the leader of the Government in this House to-day, than has been heard in the other Chamber for four years.

The motion was agreed to.

The House adjourned at six o'clock.

## THE SENATE.

*Friday, March 15th.*

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings.

## PETITIONS FOR PRIVATE BILLS.

### TIME FOR RECEIVING EXTENDED.

Hon. Mr. MILLER in presenting the ninth report of the Committee on Private Bills, called attention to the fact that the time for receiving petitions had expired, and it would be for the House to say whether it should be further extended. He could not say he was in favor of extending the time himself, but he would submit the motion to the House. He therefore moved:—

“That the time for receiving Petitions for Private Bills be extended to Wednesday, the twentieth day of March, instant, and the time for presenting Private Bills be extended to Tuesday, the twenty-sixth day of March, instant.”

The motion was agreed to.

## L'ARDOISE BREAKWATER.

### RETURNS BROUGHT DOWN.

Hon. Mr. SCOTT presented to the House a return to an address, dated the 14th February, 1878, for a statement shewing the amount of money expended during the past year on the L'Ardoise Breakwater, in the Island of Cape Breton, and the mode of such expenditure, with the authority therefor.

*Hon. Mr. Howlan.*

Hon. Mr. MILLER—With reference to this report, I would now call the attention of the hon. Secretary of State (as I may not have another opportunity to do so) to the fact that he stated, when I moved for this return, there was a balance carried forward.

Hon. Mr. SCOTT—I understood that was the case.

Hon. Mr. MILLER—The public accounts show that there is no balance.

## LOAN COMPANIES' BILL.

### FIRST READING.

Hon. Mr. REESOR introduced a Bill intituled “An Act relating to incorporated Companies authorized to lend money.”

The Bill was read the first time.

## THE LIQUOR TRAFFIC REGULATION BILL.

### FIRST READING.

Hon. Mr. SCOTT introduced a Bill intituled “An Act respecting the Traffic in Intoxicating Liquors.”

Hon. Mr. MILLER asked for information as to the nature of the Bill.

Hon. Mr. SCOTT said the Bill would be printed and distributed to-morrow, when hon. gentlemen could read it for themselves. However, if the House desired it, he would explain the provisions of the measure.

After a brief discussion as to whether the explanation should be deferred until the second reading,

Hon. Mr. SCOTT said:—I do not propose to go into a discussion of the objects of the Bill, or the reasons for its introduction, on the present occasion, as I think it would not be an opportune time to do so. It is an enlargement, so to speak, of the Dunkin Act of 1864. It supplies a law which may be made applicable to all parts of the Dominion, the Dunkin Act being one which is peculiar to the two provinces of old Canada. In that Act, the machinery for ascertaining the opinions of the people on the question of prohibiting the traffic in intoxicating liquors, was controlled by the municipal authorities, and I was at first inclined to

adopt it in this Bill, but, finding that the municipal machinery was the creature of the legislative bodies of the several provinces, and could at any time be changed, I thought it was inadvisable and injudicious that a principle of this kind, to which there might possibly be considerable objection in trying to bring the Act into force, should be adopted. I have, therefore, made provision in this Bill, whereby a plebiscite might be obtained without any interference on the part of the municipal organizations. In carrying out that idea, one of the plans of action is indicated in this Bill—that is, by presenting a petition signed by twenty-five per cent. of the electors qualified to vote in the county or city, as the case may be, to His Excellency in Council, asking that the subject be referred to a vote of the people in that particular city or county. It will then be competent for the Governor-in-Council, on proof being furnished that the signature of at least twenty-five per cent of the electors qualified to vote for a member for the Dominion Parliament is attached to this petition, and that those signatures are genuine, by a proclamation in the ordinary official *Gazette*, to name a day on which the voice of the people will be taken at the polls by ballot. That proclamation will also be published in the official *Gazette* of the particular Province from which the petition emanates. The proclamation, I may add, will convey to the people of the county or city as full particulars as it is possible to place in a document of that kind, in order that the people may be apprized at the earliest possible moment of the action of the twenty-five per cent of the electoral vote, and in order, also, that the expense may be saved of any further proclamations and notices to the people. It provides that it shall be competent to name a returning officer. The Sheriff and Registrar are named but need not necessarily be appointed. It will be the duty of the person so appointed, on receiving intimation of this fact in the usual way, to mark the day and date of the reception of the notice, and it is his duty at the time fixed, which is provided to be upwards of a month at least, to name the deputy returning officers of the several polling districts of the county or city, those districts to be the polling districts that have been defined

*Hon. Mr. Scott.*

under the Parliamentary Election Law; and where no such division has been defined, it will be his duty to do so in the ordinary way, limiting it to 200 voters. It will also be his duty to provide ballot-boxes and voters' lists, which are provided in the ordinary way.

Hon. Mr. MILLER—Will you leave it possible to have this ballot taken at a general election.

Hon. Mr. SCOTT—No, that would apply to the whole Dominion, which is not contemplated at all. It is provided it shall only be a permissive law, where the people ask for it, and it will only apply to that section.

Hon. Mr. MILLER—Would it be possible, on the petition of twenty-five per cent. of the ratepayers of a county, before a general election, to combine the two elections?

Hon. Mr. SCOTT—I see no objection to it if so thought advisable.

Hon. Mr. MILLER—I see great objection to it.

Hon. Mr. SCOTT—It would not necessarily be the case, but it is for the people to say whether it should be so or not. I need not describe the details of the machinery of voting. It is a vote by ballot, and the one day principle. The Bill provides that at the expiration of sixty days from the day of voting, if the vote has been carried, and the Governor-in-Council is so advised by certificate of the returning officer that the majority of votes cast in the election has been in favor of the petition, it is then the duty of the Governor-in-Council to issue a proclamation putting in force the prohibitory law in that particular county or city. The interval of sixty days is allowed in order that the parties either promoting the petition or opposing it may, if they think fit, appeal to the proper judicial channel, which is the judges of the inferior courts in most of the provinces—the county court in Ontario, and the district court in Quebec—to have a scrutiny of the ballots. If the vote, as I said before, has been in the affirmative, the law is put in force on the day which has been originally named in the proclamation, that being a day that is made to correspond with the date on which the licenses issued by the provincial authorities expires, in order that there may be no clashing with the jurisdic-

tion of those authorities. I believe in most of the provinces that date is uniform. It may be in some of the provinces that licenses are issued for parts of the year or broken periods, but in Ontario all licenses terminate at a particular day. The machinery for bringing in force the Act, is sufficiently elastic to enable the Act to come in force only at the expiration of the existing licenses. Now I come to the important prohibition clauses. I am not now discussing the points of the Dunkin Act other than to say they were thought not equal to the necessities of those who urged the value and advantage of prohibition. Very great objection was urged against what was known as the five gallon clause. I may say shortly, without going further into detail, the prohibition clause is for the absolute prohibition of the sale of intoxicating liquors in the particular county or city, subject to those conditions or qualifications—that is, when sold for a medicine or for sacramental purposes, in those cases it being incumbent on the party, who is defined as a druggist or licensed vendor, who has authority to sell for those special purposes on receiving a certificate, if from a doctor, that the liquor is specially required for the person named in the certificate, if for sacramental purposes, on the certificate of a clergyman, affirming it is required for such purposes. If the liquor is required for any scientific or manufacturing purposes, then it must be on the certificate of the applicant with an affirmation, and corroborated by the testimony of two justices of the peace. I thought in those particular cases it was only proper and right that if sold under those special circumstances, there should be no evasion on the part of those who might claim to come within the provisions of the Bill. In reference to the manufacturer and the wholesale dealer, there is this provision, that they may sell in quantities of not less than ten gallons, provided it is sold for purposes of consumption outside the municipality where the law exists. In other words, it will be their duty to see it is bonded outside the locality in which the law is in force. In that way there is no real violation of the principles of trade beyond the district which has carried the prohibitory law. Those are the main features. Of course there is a good deal more. The Bill is

*Hon. Mr. Scott.*

necessarily a long one, as I desired to make it as perfect as possible. There are provisions for the punishment of parties who commit any infraction of the law. I may say, with the view of having more uniformity on that subject, I have applied what is known as the Criminal Procedure, as administered by justices all over the Dominion, to this Bill. There are some two or three clauses in addition to that which are perhaps more germane to a subject of this kind than any clauses making provision for the punishment of offences in the Criminal Law. I am quite prepared to answer any questions that hon. gentlemen may ask in reference to any parts of the Bill wherein I have failed to give the proper explanations, but I hope the measure will be in the hands of hon. gentlemen to-morrow.

Hon. Mr. KAULBACH—Did I understand the hon. gentleman to say that the twenty-five per cent. was to be that percentage of the electoral vote of the division.

Hon. Mr. SCOTT—Yes; twenty-five per cent. of the electors qualified to vote for a member of the House of Commons. It is not on a municipal basis. The petition must be signed by at least that proportion of the electors in the county or city. The law cannot be repealed for a period of three years, unless at the expiration of one year a majority of the whole electors in the particular county petition for its repeal. It can then be submitted again to the people, but unless a majority is secured, the law remains in force for the three years. If the petition fails in any particular county, the parties in support of it are precluded from bringing up the question for a period of three years again, unless at the expiration of one year a majority of the whole electors ask that the petition be again submitted.

Hon. Mr. READ—Who is to be at the expense of submitting the petition to a vote of the people?

Hon. Mr. SCOTT—That is a question that will come up at a future stage. I do not propose in this Bill that either the parties opposing or supporting, so far as the mere machinery goes, will be obliged to contribute. I have made a calculation what the bare expense will be, and it will not entail a serious charge on the revenue. It is with that view I have provided, as

much as possible, for mentioning the returning officer and deputies in the first proclamation which is required to be published in the official *Gazette*. The parties who are promoting and opposing are sufficiently interested to contribute anything required to supplement this expense. They will have to provide their own agents, scrutineers and the various details, so that the bare charge on the revenue will simply be the expense of the machinery itself.

Hon. Dr. CARRALL—Is the machinery which the Government propose to put in motion by this Bill, limited by electoral divisions?

Hon. Mr. SCOTT—Not electoral divisions, but counties and cities. Sometimes there are three constituencies in one county. I thought the electoral district was too small.

Hon. Mr. MACFARLANE—The principle of the Bill is simply that the majority govern.

Hon. Mr. SCOTT—When it is submitted to the popular vote, it does not require a majority of the whole vote, but a majority of those who desire to cast their votes.

Hon. Mr. CAMPBELL—The hon. Secretary of State has been exceedingly courteous in his explanations, but if he can state the difference between his Bill and the Dunkin Act, it will be exceedingly interesting to the House.

Hon. Mr. SCOTT—The Dunkin Act was put in force entirely through municipal machinery. A municipal council, of a very much smaller municipality than I provide for in this Bill, might submit a by-law, if they so thought fit. If they did not think fit, it was competent for a petition, signed by thirty persons, to be sent in, and it was then their duty to submit a by-law. Then, voting was on the old system, and was open. One inconvenience was, voting might be protracted, as it was in the City of Toronto, where it lasted thirteen or fourteen days, keeping the city in a state of ferment during all that period. The Act was defective in many particulars. If the municipal officials who had charge of the machinery for the moment, wished to throw any obstacles, they could do so, as we know from the cases that have been before the courts. The prohibitory clauses

*Hon. Mr. Scott.*

are also different. Under the Dunkin Act it was allowable for any dealer to sell five gallons or more, for consumption in the locality. This Bill provides that no person shall sell less than ten gallons, and only then for consumption outside of the locality.

Hon. Mr. KAULBACH—Do license acts, as in Nova Scotia, remain in force after this passes?

Hon. Mr. SCOTT—This is a permissive Bill. It is only brought into existence on proclamation of the Governor-in-Council, and that is predicated on its being carried in the particular locality, and where it goes into existence it goes only in that particular locality and no other. It in no way conflicts with the license law, because it cannot go into force until the licenses in the locality expire.

Hon. Mr. READ—Does this repeal the Dunkin Act where it is in force now?

Hon. Mr. SCOTT—No; it makes provision wherever the Dunkin Act is in existence now, it shall continue in existence, and can only be repealed by the machinery provided for in the Dunkin Act. The Dunkin Act only remains in force where it is now in operation. When this Bill becomes law it would not be competent for a city or municipality to apply the Dunkin Act. It is repealed except as far as the particular county or municipality in which it is now the law is concerned.

Hon. Mr. DICKEY—I fear that will cause conflict. In Provinces where there are stringent regulations respecting licenses, they are allowed to run, *pari passu*, with this Bill, and I am afraid, there will be a conflict of jurisdiction in carrying out the law. I merely mention this now to call the hon. gentleman's attention to it before the second reading.

Hon. Mr. SCOTT—I have endeavored to explain that the law could not be put in operation while the licenses were in force; therefore there could be no conflict. If the Act were carried, say in January, and the licenses did not expire till the 30th of April, it would not go into operation until the first of May. It would then be no longer competent for the provincial authorities to issue licenses, inasmuch as it would be a direct violation of the principles of this law.

Hon. Mr. READ—How would that affect manufacturers' licenses, which may not end the same time as the others, their licenses being derived from the Dominion Government?

Hon. Mr. AIKINS—It does not affect them at all.

Hon. Mr. READ—It affects them because they are not allowed to sell within the municipality where this Act goes into operation.

Hon. Mr. HOWLAN—These details can be arranged when the Bill comes before the House.

Hon. Mr. SCOTT—This Bill cannot be called a novelty in any sense, inasmuch as hon. gentlemen who have read the discussions in the papers on this question, will find that the various temperance organizations in the country have been applying for legislation in this direction.

The Bill was read the first time.

#### QUALIFICATION OF SENATE EMPLOYES.

##### MOTION WITHDRAWN.

Hon. Mr. BUREAU asked leave to withdraw the following motion:—

“That it be an instruction to the Committee on the Contingent Accounts of this House, to prepare and report rules and regulations respecting the qualification of candidates for permanent or temporary employment in the Senate Offices (with the exception of such offices as are in the gift of the Crown), so as to insure that all the officers, clerks and servants, may be fully competent to perform their respective duties, and that when committee or office clerks are wanted, shorthand writers, competent in other respects, be preferred.”

He said: I have had several interviews with the chairman of the committee, and I have no doubt the matter will be taken into consideration by the committee itself. I see no necessity, therefore to discuss those questions. I have no doubt this notice of motion has been taken into consideration by every hon. gentleman in this House, and that they agree with me, that we should manage public business with the same care that we exercise in our own private affairs. It is obvious if we can get a skilful man on the same terms as an inferior one, we should employ the one who can serve us best.

The motion was withdrawn.

*Hon. Mr. Scott.*

#### MONTREAL BUILDING ASSOCIATION BILL.

##### SECOND READING.

Hon. Mr. PENNY moved that Bill (G) intituled “An Act to confer certain powers on the Montreal Building Association,” be read the second time. He said: the only object of this measure is to meet the difficulty that the local legislatures of the provinces have in the way of regulating the rate of interest. This Building Association has hitherto carried on the business of building houses and selling them, not the ordinary building society's business of loaning money. That kind of business has ceased to be profitable, owing to circumstances, and they decided to seek from the Province of Quebec a charter to enable them to become a loan society, but they were advised by their counsel—and I believe rightly advised—that the Local Legislature had no power to give them any authority to take higher interest than the ordinary rate. What they seek is not power to charge an exorbitant rate of interest, but the rate allowed in the acts incorporating similar societies. I suppose there will be no objection to this.

The Bill was read the second time.

The House adjourned at 4. p.m.

#### THE SENATE.

*Monday, March 18th.*

The SPEAKER took the chair at three o'clock p. m.

After Routine proceedings.

#### FISHWICK'S EXPRESS COMPANY.

##### THIRD READING.

Hon. Mr. HAMILTON presented the report of the Committee on Banking, Commerce, and Railways, on the Bill to incorporate Fishwick's Express and Merchants' Forwarding Company.

Hon. Mr. MILLER said the first amendment was simply increasing the capital stock of the company from \$50,-

000 to \$100,000, as the committee thought the amount in the Bill was rather small. The other alteration was a non-user clause declaring that the company should forfeit the rights and privileges conferred by this Act if they should not commence operations within three years from its passage.

The amendments were concurred in, and the Bill was read the third time and passed.

### BIBLE CHRISTIAN MISSIONARY SOCIETY BILL.

#### FIRST READING.

Hon. Mr. SIMPSON introduced a Bill intituled "An Act to incorporate the Missionary Society of the Bible Christian Church in Canada."

The Bill was read the first time.

Hon. Mr. SIMPSON moved that the Bill be read the second time on Wednesday, the 20th inst.

Hon. Mr. BELLEROSE—I am sorry to have to object to this Bill on constitutional grounds. Exception was taken to a motion of mine the other day, because I moved to refer a bill of this kind to the Supreme Court after the second reading. I believe that rule is not what it should be. I believe this House should have power to refer a bill to the Supreme Court at any stage. The measure now before the House interferes with civil rights, and I am of opinion that it should go to the local legislatures. In order, therefore, that my motion may be before the House at the proper time, I now give notice that when the Bill is before the House for the second reading I will move, in amendment, that it be referred to the Supreme Court for their decision.

Hon. Mr. SIMPSON—The Bill that is before us will be similar to the measure that has already passed this Chamber, and I think it is quite within the scope of the constitution. We do not desire any measure that would be unconstitutional in any respect.

The motion was agreed to.

*Hon. Mr. Miller.*

### CIRCULATION OF DEPRECIATED SILVER.

#### ENQUIRY.

Hon. Mr. BUREAU enquired:—

"Whether in view of the remonetization of silver in the United States, measures will be taken by the Government during the present Session to prevent the recurrence of the abuses and losses which were formerly occasioned by the circulation, as a medium of exchange, of silver coins whose conventional and fictitious value were not in accordance with their real or market value?"

He said:—This is no new question in this House. It has been discussed over and over again, and committees have investigated and reported upon it. After much trouble and great expense we succeeded in relieving ourselves of the "silver nuisance" some years ago. The Bland Silver Bill which has lately been passed by Congress in the United States has now become law, and it is evident that very soon an immense quantity of silver coin will be issued from the United States mint. We must endeavor to prevent this depreciated coin from affecting us injuriously in Canada, and avoid the annoyance and loss which we suffered in 1868. In that year a Bill was introduced in the House of Commons in view of the action of the Conference at Paris, but this measure was never put in force in this country. It is Cap. 45 in the Statutes of 1868, and refers to the money of the United States, because it was expected then that our neighbors would accept the decision of the Paris Conference. They did not accept it, however, and that Act was never put into force. It was one of those measures that have no effect until put into operation by proclamation of the Governor-General. The only law we have had since that time on the subject is the Act of 1871, and this has been unchanged except to extend it to the Provinces which subsequently entered the Confederation. The difference between the two Acts is this: the Act of 1868 provided that a certain amount of American silver of a certain standard would be a legal tender in this country, but the money to which it referred never became current in the United States, and consequently the Act did not go into operation. In the law of 1871 the only reference to silver is in the eighth clause, and that

simply declares no silver but that of Canada shall be a legal tender to a certain amount, which is fixed at ten dollars. Sir Francis Hinks, in his speech on that question, stated that in 1871 there was about \$10,000,000 of foreign silver in circulation in Canada, and he made some calculations respecting the loss which that money caused to the public. He thought six millions of that amount changed hands every month, giving it a circulation of \$72,000,000 in twelve months. Then he goes on to say if you pay a quarter per cent commission, you arrive at a loss of \$180,000 annually. That is to say, in five years there is a loss of \$900,000. But that was not all. There was a loss of four per cent in addition, which in five years would amount to the enormous sum of between fourteen and fifteen millions of dollars. Some members objected at the time that it was a very extraordinary loss, but those who have any knowledge of the business of the country at that time, will not be surprised at the amount. In the district where I live, people who would go to some of the banking institutions to discount notes would receive large quantities of those depreciated half-dollar and twenty-five cent pieces at par, and thus a large quantity of this coin was put in circulation. But, when those who had received this money from the bank had to meet their liabilities, the bank refused American silver, and they were obliged to purchase Canadian money from the brokers and pay a discount of four or five per cent., according to circumstances. That was a matter of every-day occurrence, and I am satisfied that the losses were as large as stated by Sir Francis Hincks.

Hon. Mr. WILMOT—In Canada?

Hon. Mr. BUREAU—Yes. In New Brunswick you had no loss. An hon. gentleman from that Province has informed me that as soon as this difficulty arose, the bankers of New Brunswick held a meeting and decided they would not take the depreciated coin at less than twenty per cent discount. That was sufficient to check the circulation of such silver in the Province. The only remedy which we have now is in the customs laws, but does that furnish all the protection that we need? I doubt it very much. It provides that all silver from the United

*Hon. Mr. Bureau.*

States shall shall pay a duty of 17½ per cent., and the fine for evading the payment of that duty is between \$200 and \$400, with imprisonment. In a country like this, with such a long frontier, from the Atlantic to the Pacific, I do not think that provision furnishes a check sufficient to prevent the importation of silver. Probably if our bankers would follow the example set them by our friends in New Brunswick, there would be no necessity for any further legislation. Then arises the question, have we a right under the laws of nations and the principles of the laws of nature, to legislate for the protection of our people against the loss which they would sustain by a repetition of the silver nuisance? After consulting a great number of authorities on that subject, I find they all agree in saying—

1st. That no power is bound to admit them (foreign coins) into its country.

2nd. That each state may forbid their being current within its limits.

3rd. Or reduce them to their true standard of value, after having ascertained what this is.

This last was the course pursued by Sir Francis Hincks in dealing with the silver nuisance. The success of that policy was surprising, because no penalty was attached to the circulation of the depreciated money. A grave difficulty was to have that money sent to England to purchase new coin for Canada, or to sell it in New York. The operation was a very successful, but, at the same time, a very costly one. It cost over six per cent, I think, or possibly more. The matter is thus referred to in the journals of the other House, May 29th 1869 :—

“ Mr. Oliver, from the select committee appointed to take into consideration the correspondence with the Government relative to the purchase and exportation of American silver coin now in circulation in this country, presented to the House the report of the said committee, which was read as follows :—

“ Your committee find that the large amount of American silver in circulation, at a depreciated rate, is productive of serious inconvenience to business men.

“ The removal of this circulation, to such an extent as may be necessary to secure a currency that pass freely at its nominal value, is necessary to remove this incubus from the business of the country, to a healthy condition.

“ Every effort to effect this has been made by the public, with but little result; and all

“ further attempt's have, therefore, been abandoned.  
 “ Under these circumstances, the silver has become such a drug upon the business of the country that the inter ention of the Government has become necessary to remove it from circulation.”

These paragraphs were adopted by the House of Commons with the exception of the last one, because it recommended the expenditure of money, which could only be done on a message from His Excellency. The last paragraph in the report was as follows :—

“ The committee therefore recommend that the plan adopted by the Government in 1868, by which silver, to the amount of \$1,000,000, was purchased and exported to England and the United States, or any other plan which the Government may deem proper for the removal of the following amount, be again put in operation and carried on until an amount equal to \$5,000,000, shall have been withdrawn from the circulation of the country.”

As I said at the outset this is a question which has been fully discussed in the House of Commons, the boards of trade, and by business men throughout the country. To fully understand the importance of the matter, I will read part of a return to an Address of the House of Commons, dated 23rd April. 1869 ; for copies of all communications to and from the Government relative to the exportation of American silver, or to the reduction of its value. The correspondence is between Sir John Rose, who was then Finance Minister and Messrs. Glyn, Mills, Currie & Co., Baring Brothers and others. The first letter is as follows :

(Copy.)  
 “ OFFICE OF THE MINISTER OF FINANCE,  
 “ OTTAWA, Canada, December 31st, 1867.

“ GENTLEMEN,—The Government of Canada have it in contemplation to become possessed of a portion of the United States silver coin now in circulation here, but before doing so they wish to be informed of the price at which it can be disposed of either in London or elsewhere. It consists chiefly of half-dollars and twenty-five cent pieces, with a few pieces of smaller denomination, and has almost all been coined since 1852.

“ By reference to the Report of the Director of the United States Mint, you will perceive that the fineness of these coins is represented to be 900 thousandth, and that they weigh in grains :—

	Grains.
“ The Half-dollar. . . . .	192
“ Quarter-dollar (25 cents) . . . . .	96
“ Dime (10 cents) . . . . .	38 4
“ Half-dime (5 cents) . . . . .	19 2

Hon. Mr. Bureau.

“ The half-dollar and quarter-dollar pieces have probably lost about half a grain each by attrition. I should be greatly obliged if you will, at your early convenience, furnish me with such information touching the rate at which, say one million of dollars could be disposed of in London, and the charges which would attend the operation of converting it into cash, to be available for the general purposes of the Government in England.

“ I have, &c.,  
 “ (Signed) JOHN ROSE,  
 “ Minister of Finance.”

The answer to this was as follows :—  
 “ Per ‘ Russia.’

“ LONDON, January 18, 1868.  
 “ To the Hon. John Rose,  
 “ Minister of Finance, Ottawa.

“ SIR,—We have the honor to acknowledge the receipt of your letter of the 31st ultimo, enquiring as to the rate at which one million of dollars of United States silver currency could be disposed of in this market, and we now beg to enclose a *pro forma* account, showing the result of such an operation. The charge for freight has not been included as we suppose you would have no difficulty in ascertaining that on your side. We are informed that it would be more advantageous to make the shipment to Southampton than to any other British port.

“ Hoping that this information may be satisfactory to you,  
 “ We have the honor to remain, Sir,  
 “ Your most obedient servants,  
 “ (Signed) GLYN, MILLS, CURRIE & Co.”

The following is the *pro forma* account sale of American silver coin received from Canada on account of the concerned :—

	£.	s.	d.
“ \$500,000 in American halves			
“ and quarter dollars, weighing oz. 400,000 at 4 10½ per oz.	97,708	6	8
“ \$500,000 in American dimes			
“ and half-dimes, weighing oz. 400,000 at 4 10½ per oz. . . . .	97,500	0	0
	£195,208	6	8
CHARGES . . . . .	1,790	0	2
Net proceeds . . . . .	£193,418	6	6

“ E. E. LONDON, January, 1868.  
 “ The weights of the dollars are as they are taken from the mint.  
 “ The actual out-turn in London, would be from 1 to 3 per cent less, according to the time they have been in circulation. The price also might vary slightly according to the state of the silver market.”

We have here an idea of the extraordinary expense we had to incur to get rid of that silver coin.

Hon. Mr. WILMOT—Does it state what the loss would be on the shipment ?

Hon. Mr. BUREAU—It does not give any account of insurance or freight ; that was additional. There is another statement at the end of the correspondence in which you will find the figures. I think the lowest was 5½ per cent. On the 5th of February, 1868 Sir John Rose writes to the same parties :—

“GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 16th January, handing me *pro forma* account sales of the United States silver coin, and I thank you for your kind attention in obtaining me the information conveyed by the enclosure.”

Then follows this document :—

(Copy.)

“The Minister of Finance has the honor to report that on the present state of exchanges, a portion of the American silver now in Canada, might be bought up for remittance on favorable terms to England.

“He submits herewith a statement received from the Financial Agents in England, of the probable return which a shipment of that silver would yield ; but he conceives it would be unadvisable owing to the want of proper facilities, for the Government itself to attempt the purchase and remittance.

“He therefore recommends that he be authorized to make arrangements with the Financial Agents in Canada, to purchase American silver to an amount not exceeding \$600,000 by the issue of 6 per cent. bonds, in such sums, payable at 20 or 25 years' date, as may be thought advisable, which the Government shall have the option of converting into Dominion Stock within seven years' date, upon the understanding that the rates shall be such as that the interest to the Government shall not exceed 6½ per cent. per annum, over a period of 25 years.

“(Signed,) JOHN ROSE,  
“Minister of Finance.”

“Ottawa, February 3, 1868.”

The next paper is a copy of a report of a committee of the Privy Council, approved by His Excellency the Governor-General in Council, on the 4th of February, 1868. It is as follows :—

“On a memorandum dated 3rd instant, from the Honorable the Minister of Finance, reporting that on the present state of Exchange, a portion of the American silver now in Canada, might be bought up for remittance on favorable terms to England ; and he submits a statement received from the Financial Agents in England, of the probable return which a shipment of that silver would yield ; but states that he conceives it would be inadvisable, owing to the want of proper facilities, for the Government itself to attempt the purchase and remittance ; he therefore recommends that he be authorized to make arrangements with the Financial Agents

Hon. Mr. Bureau.

“in Canada, to purchase American silver to an amount not exceeding \$600,000 by the issue of 6 per cent. bonds in such sums, payable at 20 or 25 years from date, as may be thought advisable, which the Government shall have the option of converting into Dominion Stock within seven years' date, upon the understanding that the rates shall be such as that the interest to the Government shall not exceed 6½ per cent. per annum, spread over a period of 25 years.

“The Committee advise that the authority requested be granted

“Certified. (Signed,) WM. H. LEE,  
“C. P. C.

“To the Hon. the Minister of Finance,”  
“&c., &c., &c.”

When we take into consideration all the difficulties that we had to face to relieve the country of the silver nuisance, it is important that we should thoroughly understand every step which was taken by the Government at that period. I will, therefore, continue to quote from the correspondence. The next letter was to the manager of the Bank of Montreal. I will read that letter and the reply, which are as follows :—

(Copy) “MONTREAL, 10th February, 1868.”

“DEAR SIR,—The Government is desirous of exporting a quantity of American silver, if it can be done on sufficiently favorable terms.

“I send you herewith copies of a letter from the Financial Agents in London, containing *pro forma* account sales, shewing how much in sterling a million of dollars of different coins would realize in London.

“My object in now addressing you is to ask whether the Bank will undertake the management of the transaction, and at what rate of Commission.

“I propose to issue 6 per cent Dominion Bonds in currency, at 25 years' date, and to give them in payment for the silver, but not at rates which will cost the Government more than 6½ per cent per annum for the money.

“The holder will have the option of converting the Bonds into Dominion Stock.

“I should be glad to have your opinion whether the operation can be effected on the terms I speak of, and also of the wisdom of attempting the direct public conversion of the bonds for coin at a fixed rate, or whether success would be more likely to follow the private purchase of the silver, when and as it might be done on the most favorable terms, keeping in mind however the disposal of the bonds as an essential element of the transaction.

“I should not wish to go beyond \$500,000, in the meantime, until the actual result could with certainty be ascertained.

“Your early reply will oblige,

“Yours very truly,

“(Signed,) JOHN ROSE,

“E. W. King, Esq., General Manager,  
“Bank of Montreal, Montreal.

"BANK OF MONTREAL,

"Montreal, 10th February, 1868.

"DEAR SIR,—I have to acknowledge your letter of this date, upon the subject of exporting a quantity of American silver, if it can be done on sufficiently favourable terms.

"I have examined the *pro forma* account sales of \$1,000,000 in American silver obtained by the Government from the Financial Agents in London.

"As they remark on the postscript an allowance of from one to three per cent for depreciation would have to be made for the time the coin had been in circulation, and the Agents have also been unable to take into their calculations the ocean freight and express charges from Canada to the seaboard. I observe that the intention of the Government is to combine the export of silver with the sale of six per cent Currency Debentures, redeemable in 25 years, provided the interest upon the loan [which it would be practically] did not exceed 6½ per cent per annum.

"In reply to your enquiry, I have to say that the Bank will undertake the management of the operation for account of the Government, for a commission of one per cent upon the amount of silver obtained.

"I am of opinion that the operation is more likely to be successful within the limit assigned, if the silver is purchased, and the Debentures sold quietly in the market for account of the Government, without any public announcement on the subject.

"I fear that if it was known that the Government was in the market buying silver for exportation that the price would immediately be enhanced, and holders would not part with it except at such rates as would render the operation impossible.

"If the Government think it would be more judicious to make a public announcement, I would suggest that the Debentures be offered at par in exchange for the silver. In this case the Bank will undertake to manage the operation upon the same commission; but I am doubtful whether the holders of silver would not very soon find that it was better to sell the silver at the reduced rate of discount which it would reach, than take the risk of loss in converting the Debentures and in this way the primary object you have in view in exporting the silver might be frustrated. Upon the whole, I think, it will be better to try the experiment in the first instance of buying up the silver to the extent of \$500,000. Whether the Debentures and the silver can be disposed of simultaneously at rates that will keep the operation within the limits assigned by the Government, can only be ascertained upon trial. The Bank is desirous of acting simply as agents for the Government in this matter, and I would suggest that it be an understanding that the Bank will discontinue the operation before the limit of \$500,000 is reached, if it is found that the average cost to the Government would much

Hon. Mr. Bureau.

"exceed the 6½ per cent per annum, to which you are desirous of limiting it.

"I am, Dear Sir,

"Yours truly,

"(Signed,) E. H. KING.

"Hon. John Rose,

"Minister of Finance, Ottawa.

"Upon looking again at the *pro forma* account sales of silver, I observe that the insurance is taken at summer instead of winter rates from New York."

That gives about the history of the exportation of American coin from this country, under the financial administration of Sir John Rose and Sir Francis Hincks. The cost was a great burden to us. I think it is the duty of a wise and prudent Government to have the necessary currency for the country. The result would be there would be no depreciated coin in circulation. There are different estimates of the amount of money in circulation throughout the world. In France, from 1795 to 1858, it was estimated that the money in the country was about 8,563,713,882 francs, and by an estimate made in 1848, the amount of money in the world was 31,500,000,000 francs, in gold and silver. Since 1858 it is calculated that up to 1863 there must have been 8,226,769,120 francs produced in addition to the amount I have mentioned, of which 6,056,173,000 were gold, and 2,170,596,120, silver. In 1867 commissioners were appointed by the British Government to attend a congress held in Paris that year, to see whether it would not be possible to devise a currency that would suit every country and facilitate trade, commerce, and agriculture. The international conference was presided over by Napoleon III, and England was represented as well as many other countries. Afterwards a Royal Commission was appointed to investigate the matter to see if England could agree with the conclusions of the congress. One of those conclusions, arrived at unanimously in the congress, was that the proportion of fine gold should be nine-tenths in gold coin. That Royal Commission in their report state, amongst other things:—

"Great value seems to be attached to the co-operation of England in any measure of this description. England has been forward in urging the policy of free trade upon continental nations; and, while her joining in any movement that originated abroad, for promoting and facilitating commercial inter-

“course would be most favorably received, and “would increase her influence among them, “her declining altogether to enter upon it, “might appear to be inconsistent with her “general conduct upon such questions.”

The Royal Commission had four points to take into consideration. First, the adoption of a single gold standard ; second, the adoption of nine-tenths as the proportion of fine gold in the coins ; third, that all gold coins hereafter struck in any of the countries which are parties to the convention, should be either of the value of five francs or multiples of that sum ; and fourth, that a gold coin of the value of twenty-five francs should be struck by such countries as prefer it, and be admitted as an international coin. The Commission report :—

“In other countries steps have been taken “with a view to promote a general international coinage.

“In the early part of last year, before the “assembling of the Paris Conference, laws were “passed both in the Papal States and in the “Kingdom of Greece, with the intention of “assimilating the currencies of those two countries to that of the Convention of 1865 ; and “on the 31st July, 1867, immediately after the “termination of the Paris Conference, a preliminary treaty was signed between France “and Austria, by which the latter country “undertakes to re-mould her coinage upon the “system of that Convention.

“A similar measure has been adopted in “Roumania, and came into operation on 1st “January last.

“A Bill has been introduced into the Congress of the United States for altering the “value of the American coinage, so as to assimilate it to that of the Convention of 1865 : “and we have received the report of the “Finance Committee of the Senate of the “United States, recommending the adoption of “the measure, with certain amendments ; together with a report, also presented to the “Senate, adverse to the passing of the Bill.”

The Royal Commission then proceed to refer to the Bill passed in this Parliament in 1868, as follows :—

“A Bill has been introduced into the Canadian Parliament for the regulation of the “currency of that country, in which provision is “made for the adoption by Canada of the “system of the Convention, in the event of the “measure above referred to becoming law in “the United States.

“Another Bill has been introduced into the “Congress of the United States, in order to “assimilate the coinage to that of this country, “making the half eagle equal to our sovereign.”

As I have stated, they thought proper to adopt another system that would suit them better, and our Act of 1868 never went into operation. Perhaps the Gov-

*Hon. Mr. Bureau.*

ernment may see fit to adopt one of the three courses I have already referred to as being open to them under the laws of nations. When we see the success which attended the action of the New Brunswick bankers, I think we should look to the moral influence of the bankers of this country, more than to coercive legislation, to aid in preventing a repetition of the silver nuisance. If we think that course would not succeed, there is only one other remedy. We can have a law by which we can say that the banks will not be authorized to take any of that depreciated money and put it into circulation directly or indirectly. Our banking institutions have such a high character in this country, that I am sure it is only necessary to call their attention to the course they should pursue in the public interest, to have them follow it and save the necessity of further legislation. I see no advantage that could result from having a depreciated currency. It would burden our commercial, agricultural, and manufacturing interests, and involve an immense loss every year. It would be a tax, the amount of which we could not calculate, and I do hope our leading men will unite to prevent such a loss. But in the meantime it is the duty of the Government to give the people such a currency as may be necessary for the requirements of trade. If I am well informed, in the Province of Manitoba, they have not money in circulation sufficient, even, for the ordinary business of the country, and the consequence is, ten cents is worth twelve and a half. I beg, therefore, to enquire what the Government intend to do under the circumstances.

Hon. Mr. PELLETIER—I quite agree with my hon. friend that this is a matter of great importance. The hon. gentleman has made a study of this question, and I am sure the House will be greatly benefited by his observations. It is certainly the intention of the Government to take measures to prevent the abuses and the loss of money referred to by the hon. member, but what those measures are I am not yet prepared to say. It is a subject which attracted the attention of the Government even before the hon. gentleman placed his notice on the paper, and since he has made his able speech, the Government will avail themselves of the information which he has furnished.

Hon. Mr. HOPE—I do not think that we require any further legislation with regard to this matter. What the Government should do is to see that there is sufficient silver coin of our own to meet the wants of the country. If they will do that and enforce the laws we have, I don't think we will be troubled as we were during the American war. The people of this country were unacquainted with the real difficulty that beset us at that time. They were under the impression that the American silver which was in circulation during the rebellion, was the same coin that was current in the United States from the foundation of the Republic. In 1853, however, the United States Government assimilated the law with regard to silver, to the law adopted by Great Britain in 1816, by reducing the value of silver coinage about six per cent. The American people had the double standard, and whenever silver became dearer than gold, which it did prior to 1853 from the demand for it in the East Indies and China, the silver was swept out of the country to supply the demand for it in the East, and the Americans could not understand what had become of their silver coin. It was because it was dearer than gold that it was exported. By reducing its value six per cent, they kept it in the country. When the rebellion broke out in the United States, and people in this country wanted to exchange their greenbacks into coin or specie, they were offered up to, say 105, if they would take silver instead of gold. The Canadians thought they were making a good bargain and took the silver, but it became understood afterwards it was only silver tokens they were getting and not silver of the same value as the coin in circulation prior to 1853. We had all the loss and inconvenience from this depreciated silver being thrown upon Canada. Sir Francis Hincks was the first finance minister who really understood the question, and the measures he took to put an end to it by creating and giving to the people a sufficient supply of our own coin, and placing a nominal value on American silver, were most effectual. If the Government will persevere in that course, they will save our people from any loss which might result from the remonetization of silver in the United States. We should recognize no silver coin but the

*Hon. Mr. Hope.*

coinage of our own country. I am glad the attention of the Government has been called to this important question, and I hope they will see to it that we do not sustain any loss or inconvenience from the absurd legislation on the other side of the lines.

Hon. Mr. WILMOT—I think the hon. gentleman who has just addressed the House, has not fully understood the legislation with regard to the silver nuisance. If I recollect correctly when Sir John Rose was Finance Minister, he employed an agent at Montreal to buy up the depreciated silver and ship it from the country. It cost this Dominion a large amount to send it away, and the system adopted reminded me of a man trying to dip up a river with a sieve. As fast as it was taken out it came in again, and the only plan which succeeded in keeping it out was that of Sir Francis Hincks, by issuing shipplasters, so called.

Hon. Mr. PENNY—O, no!

Hon. Mr. WILMOT—I beg the hon. gentleman's pardon. He issued small notes and they became the change for carrying on the retail business of the country. It is a matter of history, and there is no doubt about it at all. Those shipplasters, as they were called, actually cured the silver nuisance, and nothing else. When the present Government came into power, their very first act was to introduce a measure to tie up their hands so that they could issue no more Dominion notes beyond twelve millions, except they held gold, dollar for dollar. I fought against the Bill in this House, and I think it is a great pity it passed. The notes are just as useful for the purpose of exchanging commodities in our own home trade as gold or silver, but, unfortunately, the Government seemed to be under the dictation of the bankers, and they restricted the circulation. It is now nearly up to \$12,000,000, and beyond that there must be a dollar in gold for every dollar in notes that is issued. If this silver nuisance should come into the Dominion from the United States, they will have to repeal that law in order to issue notes. There is so much uncertainty, doubt and ignorance with regard to this whole question, that it was loudly proclaimed if the silver bill was passed in the United States, gold would run up and bonds would go down.

The facts prove the very reverse. United States bonds have gone up in the London market, and gold has gone down in the United States since the two Houses passed the bill over the veto of the President. The facts are directly against the predictions of political economists and bankers.

Hon. Mr. WARK—But silver is not in circulation yet.

Hon. Mr. WILMOT—It was called an act of repudiation, because the United States determined their bonds should be paid according to contract. The contract was that the five-twenties first issued should be paid in legal money. The next enactment was that they should be paid in coin, and it is only in the latter issues, and of no great amount, that they stipulated to pay in gold coin. The great bulk of the debt was to be paid in coin, and at the time the bonds were issued the silver dollar was as much a legal tender as the gold eagle. I know individuals myself that paid greenbacks to get those debentures when they were at forty-one cents in comparison with the dollar in gold. There is an agitation going on in the United States at the present time, called the Labor Greenback agitation, and the question of money and currency is being more intelligently discussed now than ever it was before. The fact is, this currency question is one of those things that Sidney Smith said was the end of all argument—the great mass do not comprehend it. At all events volume after volume has been written on the subject and there is as little known about it now as there was a century ago. I have here the statement of Sir John Lubbock, that of £19,000,000 sterling paid into his bank in five days, only one-half per cent was gold, so that the great bulk of trade is carried on upon the fiction that there is gold to meet all liabilities. The question in the United States was whether there should be a single standard or a double standard. We see that France is the most prosperous country in Europe, taking all things into consideration, and her standard is the double standard. I have a statement of the Bank of France which shows they now hold £80,000,000 sterling, in silver and gold, while the amount of its circulation is £100,000,000 sterling. Germany after the close of the war, demonetized silver, which brought about a commercial panic

*Hon. Mr. Wilmot.*

that she is still suffering under. She previously had the double standard. The United States had always the double standard until a few years ago, when a section was smuggled into a bill and not generally known, which demonetized silver, and now by more than a two-thirds vote over the President's veto, Congress has decided to go back to the double standard. I only rose to correct the hon. the Senator from Hamilton with regard to what cured the silver nuisance. It was cured by the issue of small notes, called fractional currency, under the Bill of Sir Francis Hincks.

Hon. Mr. HOPE—No, no.

Hon. Mr. WILMOT—I say yes, yes; Sir Francis Hincks issued the small notes.

Hon. Mr. PENNY—We had plenty of one dollar notes before.

Hon. Mr. WILMOT—I speak of the fractional currency—twenty-five cent notes.

Hon. Mr. PENNY—We had them for a short time, but they were all called in.

Hon. Mr. WILMOT—There are some in circulation yet. There was no necessity for calling them in. They cost only the paper and printing and the numbers lost and destroyed more than paid the cost. What was the necessity to issue bonds and tax the people to pay 6½ per cent interest upon them, when the Government could have supplied fractional currency without cost to the people.

Hon. Mr. CAMPBELL—As far as I can remember, the Bank of France has not been paying specie for a long time. They hold a large amount of specie but as a matter of fact, it is merely held to give public confidence and not to redeem their notes.

Hon. Mr. WILMOT—The *Economist* say they resumed specie payment last January, but, at all events, the people of France have carried on their business with the notes of the Bank of France which are legal tender, and in the darkest period of the war the discount never exceeded two per cent. The argument of the hon. Senator from Hamilton, if carried to its logical sequence, would be to abolish the fixed value of silver or gold. He speaks of silver going out to India and China; we know perfectly well silver is the only legal tender in those countries. They

treat gold as an article of commerce and so it ought to be treated in every country.

Hon. Mr. PENNY—This is a question in which we are all interested, and I suppose there is no difference of opinion that the Government should do what is necessary to prevent a repetition of the silver nuisance in this country, but I am afraid my hon. friend (Mr. Wilmot) does not understand the manner in which the silver nuisance was got rid of. Sir John Rose did not, as he thinks, begin to export the silver; Mr. Weir, a broker, began it in Montreal, as a private speculation, with the assistance of merchants there. Sir Francis Hincks subsequently met the difficulty in a manner that I thought at the time would never succeed, because it seemed to me very like the operation described by my hon. friend, dipping water out of a river with a sieve. He bought up the depreciated silver and exported it.

Hon. Mr. WILMOT—He did not buy the silver, he issued notes.

Hon. Mr. PENNY—The silver bought by the Government was all bought during Sir Francis Hincks' time. Mr. Weir commenced it as a private speculation.

Hon. Mr. CAMPBELL—Sir Francis Hincks issued shimplasters to supply its place.

Hon. Mr. PENNY—Exactly. That was because he had not the silver coinage to replace what he was driving out. But the moment he got Canadian silver he recalled the shimplasters, as he had intended to do from the first. The shimplasters were a temporary expedient. Sir Francis Hincks would be the last, I am sure, to entertain the currency doctrines of my hon. friend, however valuable they may appear to be. The people might, from the first, have refused to take these quarter-dollars. If they had known their true interest they would have always repudiated them. Sir Francis Hincks by a minatory sort of process, forced them to do so, then he issued the fractional currency to take their place till he could get Canadian coin; at the same time buying up the American silver and exporting it. That got rid of the nuisance; but it must be remembered a duty of 17½ per cent was put on the importation of this silver, and this prevented it from coming back again after it was exported. My own impression is (I speak with a great deal of

*Hon. Mr. Wilmot.*

diffidence on the subject) that the 17½ per cent duty is likely to keep it out under any circumstances.

Hon. Mr. LEWIN—This question comes simply and practically down to the effect the remonetization of silver in the United States and the recoinage of silver currency is likely to have on our trade and commerce. No doubt during the late rebellion in the United States, Canada suffered great inconvenience from the influx of silver into this country. In New Brunswick we avoided that difficulty by our own caution: the bankers met together and decided that they would only receive American silver at such a rate of discount that it would pay for all the expenses of exportation and leave a small margin over. The consequence was, brokers who had ordered large quantities of American silver countermanded their orders, and this prompt action saved the province a great deal of trouble. If the representatives of the monetary institutions of this country would meet together, and fix a rate at which they would receive this silver, they would very soon check the silver nuisance. American silver would then come in here as bullion, and it would be taken and treated as bullion. If the Government should fix a value for American coins by proclamation they would really be monetizing that silver in this country, a policy which should be avoided as much as possible. I believe in the rule adopted by Great Britain of the single standard of gold as a measure of value, and the same principles apply to us as well as to all other countries. I think, myself, instead of calling upon the Government to help us on every occasion we ought to help ourselves. If the monetary institutions of the country would set their faces against taking American silver except as bullion, the difficulty that is anticipated will be avoided.

Hon. Mr. BROWN—In the Province of Ontario the people themselves, in the different localities, settled the difficulty most effectually by resolving at public meetings and declaring that they would not take American silver except at certain fixed rates, considerably below the bank value. For half-dollars they agreed to give only 40 cents; and for quarter-dollars something less than 20 cents. It was amazing

how rapidly the American silver disappeared. The annoyance caused by the vast quantity of it thrown into the country was very great. Every merchant had large quantities of it in his vaults and knew not what to do with it. It was not bankable; you could not use it in trade; it was a perfect nuisance. I apprehend that there is no way of keeping it out effectually except by the people of each locality refusing to take it except at rates that will afford a profit to export it across the lines. But the true plan is, for the banks to buy it up at rates that will give a profit in sending it back.

Hon. Mr. READ— I beg to differ from the hon. gentleman when he says the true way is for the banks to take it in at a reduced price. My opinion is that the banks should not take it in at all. One thing I would direct attention to, is the great scarcity of one and two dollar bills. I know I am speaking within the hearing of bankers who do not like to hear this question brought up, but you may travel half a mile at a time in some of the towns and cities before you can get change for a ten dollar bill. We all know that the reason is the banks get no profit on the issue of the small Dominion notes and when they get them in they keep them. Some persons can get them, but it seems to be a matter of favour, and it is a great matter of complaint that the people cannot get small notes to make change. I brought this question before the notice of Parliament before, when I was a member of the Lower House, when this difficulty existed before previous to the issue of the "shinplasters." I think the Government have made a profit out of the shinplasters because there are only \$112,000 of them in circulation to-day. I suppose they are held by the banks the same as specie, or else they are lost, because it is quite certain they are not in the hands of the general public. I hope the Government will take steps to see that there is a better circulation of small bills, in order to meet the requirements of the trading community.

Hon. Mr. KAULBACH—This silver and gold question—the great exchanges of the world's commerce—is one that puzzles me, and at the present time must affect Canada; but I agree with the hon. gentleman who has just sat down, that

*Hon. Mr. Brown.*

there is a great lack of small bills for change throughout the country, and I believe the issue was reduced last year. I think the silver nuisance would be avoided to a great extent, and this Dominion largely profited, if the Government had power to issue more shinplasters and small bills. The scarcity of such currency necessitates somewhat the circulation of American silver. My impression was that many of the banks were making money out of the silver nuisance; that they were issuing American silver at par, and taking it back at ninety cents. While making such a profit out of it, it is questionable whether the banks would voluntarily deprive themselves of such a source of gain. It is in the interest of the country that we should have a full-weighted and full standard coin, as it protects and equalizes the value of products of labor in exchange, and all may invest in it with perfect security. My hon. friend from Belleville has stated that there are over \$112,000 in shinplasters still afloat. But I doubt whether they are in existence; many are lost and destroyed. They are not in circulation; the banks may have some, and the Government must profit, not only by the saving of interest, but by the destruction and loss of a large number of those small notes. I hope some means will be devised by the Government to prevent a recurrence of the silver nuisance in this country, and at the same time put in circulation more of the one and two dollar bills.

#### MERCHANTS' BANK STOCK CAPITAL REDUCTION BILL.

##### SECOND READING.

Hon. Mr. PENNY moved the second reading of Bill (11) "An Act to reduce the Capital Stock of the Merchants' Bank of Canada." He said the necessity for this Bill has arisen from the circumstance that the times, having pressed very heavily upon some of our financial institutions, and, amongst the rest, on the Merchants' Bank of Montreal. It had intended on this account, to reduce the capital stock 25 per cent.; and the shareholders of the Bank, having agreed that that was to be done, the Legislature was petitioned in order to obtain power for that purpose. It was

thought, however, by the Banking Committee of the other House better to reduce it instead of 25 per cent, by 33½ per cent. I presume no one will object to giving this power to the Bank to enable it to go on with business on the capital that it still has intact.

The Bill was read the second time.

The House adjourned at 5 p. m.

## THE SENATE.

*Tuesday, March 19th.*

The SPEAKER took the chair at three o'clock p. m.

After Routine proceedings.

### THE PUBLIC EXPENDITURE OF THE DOMINION.

#### ENQUIRY.

Hon. Mr. MACPHERSON, pursuant to notice, rose to call attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and inquire of the Government how it is proposed to restore the equilibrium between income and expenditure. He said: It is with a great deal of reluctance that I bring the subject of the finances of the country before the House, because I am aware that it is not an attractive one to many hon. gentlemen; but as I last Session and the Session before felt called upon to refer to what I considered the extravagance and wasteful expenditure of the Government, especially the more controllable portion of the expenditure, I feel it now my duty to submit to the House what I believe has been done by the Government since last Session, whether in the way of retrenchment or otherwise. It was my opinion (and is still,) that very great extravagance prevailed throughout the Administration; that it had its centre at Ottawa, in the Departments here, that the extravagance here has been most reckless and wasteful, and that the example set here has been followed in the administration of the affairs of the country to its remotest bounds. I complained last Session that it was stated, in the Speech

*Hon. Mr. Penny.*

from the Throne, that there had been such retrenchment effected as would aid in bringing about an equilibrium between revenue and expenditure. I stated, at the time, I was afraid that that was not the case. I think I was able to show, and will be able to show to-day, that such was not the case, but that, on the contrary, the expenditure was increased, and the revenue and expenditure are as far from meeting to-day as they were this day last year. I intend to-day to make my remarks as brief as I can. I do not propose to extend my comparison of expenditures generally beyond those for the year 1877 with 1876, though I may occasionally extend them further. I established last Session that the present Government is responsible for the increase in controllable expenditures between 1873 1876, to the extent of \$1,800,000. That, as I always admitted, is necessarily an estimate,—nothing more than an estimate can be made as to the expenditure for which each Government is responsible; but I believe that in forming that estimate I was liberal and generous to the present Government, liberal beyond what the strict facts demand, and in proof of that view there is the fact that the expenditure of 1876 over 1875—two complete years of the present Administration—was \$717,060. One million eight hundred thousand dollars for three years would give an annual increase of \$600,000. And, as I have stated, the ascertained increase in one year was \$717,060.

Hon. Mr. BROWN—Between what years?

Hon. Mr. MACPHERSON—The expenditure of 1876-77 over that of 1875-76. I think this is very strong circumstantial proof of the liberality of my estimate. It is quite true the amount charged in 1872 against the consolidated revenue fund is less than the amount charged in the preceding year, and it would be very remarkable if it were not so. I shall proceed almost immediately to show wherein the difference arises. I fear it will not be found there has been what may fairly be considered retrenchment, and I fear it will not be found that there has been an earnest attempt to economise the expenditure, although it has been decreased, necessarily decreased.

Hon. Mr. SCOTT—Hear, hear.





The decreased expenditure on Harbors &c. in 1877, compared with 1876, amounted to \$207,700. I take it, those harbors on which there was no expenditure in 1877, like the buildings, were finished and required no more expenditure on them. So I do not find an opportunity here to give credit to the Government for retrenchment. The name of some of the piers in the St. Lawrence, might recall to the mind of the hon. Senator from Lambton the Baby jobs, but that the Fort Francis Lock should have done so is somewhat surprising. I may remark that I made enquiries about those Baby jobs and found that every succeeding Government had found it necessary to keep the piers that were described as Baby jobs in repair to serve the purposes of commerce, and most of them have been added to by the Government. At Rimouski, for instance, the mails for the whole country west of that point are landed, and a very large expenditure has been made there to enlarge and improve the wharf. On some harbors there has no doubt been a good deal of unnecessary expenditure by the present Government. Take the Goderich Harbor upon which \$213,375, was expended in 1876 and 1877, there is no question it cost \$30,000 more than it need have done, through the Government giving it to a bidder higher than the lowest. They perpetrated a piece of most unjustifiable favoritism. I do not like to apply the term "jobs" to an act of the very highest ministers in the country, and yet I do not know any other word in the English language which will describe what was done by the Government in respect to that contract. Then there are Antigonish, Cow Bay, and other harbors in the Maritime Provinces. Cow Bay may recall another picture which the hon. Senator for Lambton once drew—that is, the Maritime calves milking the Ontario cow.

Hon. Mr. MILLER—If the cow had no calves, she might have had no milk.

Hon. Mr. MACPHERSON—If the present Government remain long in power, I do not think she will continue to have any. The decrease in buildings amounts to \$330,415; the decrease in harbors, piers and breakwaters \$207,700, the decrease under the head of improvements of rivers, \$148,003; making a total dif-

*Hon. Mr. Macpherson.*

ference upon buildings, piers, harbors, breakwaters and river improvements between the expenditure of 1877 and 1876 of \$207,700. The saving in ocean and river service was chiefly in repairs, maintenance and buildings. I think there was one vessel built in 1876. Of course if a steamer had to be built in 1876, and others had to be repaired, the Government can hardly claim credit for retrenchment for not repeating the expenditure when unnecessary, in 1877. In police and penitentiaries there is a small saving. Harbor police at Montreal and Quebec show a saving. There has been no expenditure under those two heads since 1875. In Dominion Police there is a small saving. I hope it is judicious economy. I do not consider parsimony by any means to be economy, and the very first duty of a Government, is to do what may be necessary for the security of life and property in the country, and they should be slow to disband a disciplined police force without being certain that it can be safely dispensed with. I think there has been evidence this winter that perhaps such a force as the Montreal Police would have been serviceable. There is a very considerable reduction in lighthouses and coast service, amounting to \$74,570. There is some reduction in construction, but it is chiefly in salaries and maintenance, and it is very difficult to see how it has been brought about. There must either have been great extravagance in 1876, or the service must have been injured in 1877.

Hon. Mr. PENNY—Hear, hear.

Hon. Mr. MACPHERSON—I think there was extravagance in 1876 as the figures will show. I hope the Government will explain the reason for increasing the salaries and maintenance from \$394,904 in 1875 to \$427,661 in the following year, and then again in 1877 reducing them to \$391,673. I repeat, that the increase in 1876 cannot have been required, or the service has been injured by the reduction in 1877; but in 1876 the Government had not been much influenced by the exposure that had been made of their extravagance. Where would we have been if the reckless extravagance of the Government had not been checked by the attention of the public having been called to it. The next item

is the Dominion Force in Manitoba and the North-West Mounted Police. On the Dominion Force there was a reduction in 1876 and also in 1877, and I suppose the item will disappear altogether from the Public Accounts in 1878. Whether that is wise economy, or not, remains to be seen. I myself am exceedingly doubtful of it. I think it is scarcely safe or wise to leave that remote province without a small force for its protection. The Mounted Police shows a slight increase. The next item I come to is the Weights and Measures. I believe that Act is being carried out in a way that is exceedingly burdensome and obnoxious to the people. Whether there is a return to the public in more honest weights, &c., or not, is a question which I will leave for the Government to answer. I only call their attention to it. It is a most vexatious measure, and is particularly complained of throughout the country. This measure was put in force by the present Government. The hon. the Secretary of State generally tries to lay the entire odium or responsibility of measures that have been put in force recently, upon the late Government, and has done so in this House repeatedly with respect to this measure.

Hon. Mr. SCOTT—Did not Mr. Tilley take a vote for it?

Hon. Mr. MACPHERSON—Neither Mr. Tilley nor any other member of the late Government put this act in force. It was passed while the late Government were in power but it contained a suspensory clause, which declared that it should not go into force until a proclamation should be issued by the Governor-General putting it into operation. Does the hon. gentleman mean to say that that proclamation was issued by the late Government?

Hon. Mr. SCOTT—Mr. Tilley took a vote to purchase standards.

Hon. Mr. MACPHERSON—Did Mr. Tilley buy standards? He took the vote, but the hon. gentleman found the vote, and wanted the patronage, and put the act into force.

Hon. Mr. PENNY—As the late Government would have done.

Hon. Mr. MACPHERSON—I do not know whether they would or not, but I know the present Government did. I think it is an unworthy thing for any one, whether it be an individual or a Govern-

Hon. Mr. Macpherson.

ment, to throw upon others the responsibility which they themselves incurred. Some four years have elapsed and the hon. the Secretary of State finds it difficult to attach all the blame to the late Government, and now he attaches it to the employees of the late Administration, who have been retained by the present one, as if the Government were not responsible for the acts of its own employees. This Weights and Measures Act has been a very expensive one. In 1875, to put it in force the expenditure was \$69,969, and no return for it. In 1876, the expenditure was \$99,784, and no return from it. In 1877, the expenditure was \$111,084, and the return was only \$50,423. Now, I think Sir Francis Hincks was the Finance Minister when this Bill was passed, and he estimated the cost of it at \$50,000; it was not expected to exceed that. The \$50,000 collected last year was so much taken out of the pockets of those whose weights and measures were tested, and to them it must have been a very serious amount. The cost of the inspection of staples and the adulteration of food is an item scarcely worth giving attention to. I do not know what has been done with respect to the checking of the adulteration of food; probably the hon. the Secretary of State would tell the House what result is being obtained from that expenditure. I come next to an outlay under the head of "Expenditures on Public Works charges on Revenue." What is meant is really the working and maintenance of Public Works. The officials connected with railways and canals—lock-tenders and their superiors, laborers and all others—and the same with respect to telegraphs. There is a reduction this year under this head, but in a very curious form. I have separated the labor from the salaries, as I did last year. In 1875, the salaries for canal and river works, and piers below Quebec, amounted to \$239,859. In 1876, they were increased to \$250,952. In 1877, they were reduced to \$248,328.

Hon. Mr. WILMOT—Is that salaries only?

Hon. Mr. MACPHERSON—Yes. I will give the labor presently. The salaries were reduced \$1,600, as compared with 1876. The labor was as follows:—In 1875, \$278,059; in 1876, \$257,142; in 1877, \$180,100.

Hon. Mr. SCOTT—There is an improvement.

Hon. Mr. MACPHERSON—A great reduction, indeed, a reduction of nearly \$80,000. But the strange thing is, that it is altogether in labor. There is no reduction whatever in the salaries.

Hon. Mr. SCOTT—The salaries are low enough probably.

Hon. Mr. MACPHERSON—The present Government profess to be specially the workingman's friends, and there is a wonderful reduction in the amount paid to the workingmen, while the decrease in the salaries is merely nominal. It seems as if the labor was reduced, but the superintendence of labor was not diminished in the least. Then there are railways and telegraphs. In 1876, the amount charged under that head, was \$1,536,403, and in 1877, it was \$1,923,324. That shows a very large increase, but, unfortunately, it does not show the whole of it.

Hon. Mr. SCOTT—That is capital account.

Hon. Mr. MACPHERSON—No; it is a charge on Revenue. There is an extraordinary piece of book-keeping, by which an item under the head of Open Accounts, appears, namely—“Intercolonial Railway Suspense Account, \$343,591.”

Hon. Mr. SCOTT—That is coal cars, I think.

Hon. Mr. MACPHERSON—No. If the hon. gentleman will look at the Public Accounts he will find that the whole amount expended on renewals last year was \$543,591. Of that amount, of money paid out, there is charged to the Suspense Account, \$343,591, and to the Revenue, \$200,000. Now, why should a suspense account be opened for an amount that has actually been paid? It would, no doubt, be very convenient for the Government—especially in the financial condition of the country—to charge items of expenditure to suspense account instead of against revenue as they ought to be charged. But can anything be more unreasonable, or unsound, or absurd than to charge to suspense money that has been paid? What does a suspense account mean? You place in suspense accounts items that are in doubt, items that have not been paid; items that are disputed or

*Hon. Mr. Macpherson.*

doubtful, but when an amount is paid there can be no question whatever as to what will be done with it. On all the canals, for instance, there are spare lock gates. You may as well put the cost of those into a suspense account. You may with equal propriety put steel rails into a suspense account and say you will not charge them against capital until they are used. You might have done the same with the Fort William lands, or the Neeling Hotel, though I fear if that building were kept in a suspense account until it became profitable, you would keep it there a long time. This item is clearly chargeable against the Consolidated Revenue Fund, that is, chargeable against income, and instead of being so charged it has been placed away in the open accounts in a manner which is altogether unjustifiable. Nothing could be more delusive than the manner in which those items have been entered; it is an incorrect representation in the Public Accounts of a very large amount. There is another item of \$68,000 for stores, the difference between the value of stores received and issued for the use of the Intercolonial Railway. Now that ought not to have gone into open accounts. Those stores, I take it, have been paid for, and when paid for they should be charged to the Consolidated Revenue Fund, but I have left them where they were. While in my own mind, I have no doubt that they ought to be charged against revenue it may with a certain amount of plausibility be urged, that inasmuch as those stores are on hand and not used they may be an offset for the money. Nothing could be more unsound and incorrect, but not to expose myself to the charge of placing anything against the Consolidated Revenue Fund that ought not to be there, and what every one will admit ought to be there. I do not propose to put the item of \$68,000 to it, but will let it remain where it is. The amount therefore which ought to be charged under the head of railways and telegraphs instead of being \$1,923,324 is really \$2,266,915. There is also another large item which I might raise a question about, but for the reason which I gave a moment ago I will not do so. Now I come to details of expenditure on account of Civil Government. I dare say hon. gentlemen will remember I separated contingencies from salaries last year, and I

have done so again this year. In 1876 the salaries were \$670,142, and the total contingencies for that year was \$171,602. In 1877 the total salaries were \$654,714, and total contingencies were \$157,479. A satisfactory reduction is going on here, and there was undoubtedly great room for it. It is gratifying to see that there has been an impression made on contingencies, but it will be for this House and the country to judge whether the Government, or those who called attention to their extravagance, deserve the most credit for it.

Hon. gentlemen—Hear, hear.

Hon. Mr. MACPHERSON — I hope that, under the heading of "Contingencies," payments have not been postponed until after the 30th of June.

Hon. Mr. SCOTT—No.

Hon. Mr. MACPHERSON—It is a very easy thing to do; purchases are made in England or at a distance, and it is a very easy thing for the Government to postpone the payments till after the close of the financial year.

Hon. Mr. SCOTT—The hon. gentleman can see that the item has been steadily going down year after year.

Hon. Mr. MACPHERSON — The next statement relates to the Departmental Contingencies at Ottawa, and the amounts paid to extra clerks. In 1875, the total departmental contingencies were \$212,327; including extra clerks, \$38,821. In 1876 the departmental contingencies amounted to \$171,602; extra clerks, \$31,651. In 1877, departmental contingencies, \$157,479; extra clerks, \$30,237. Contingencies of the House of Commons:—1875, \$90,000; 1876, \$130,000; 1877, \$120,000. Total contingencies at Ottawa in 1876, \$301,602; in 1877, \$277,479. The reduction in the amount for extra clerks is very small—not sufficient to thin the corridors, which, as we were told last Session, was the case, and the saving of last Session, \$1,400, would not effect that. Now I come to the Administration of Justice: there is no department of the Government in which the expenditure has increased as steadily as in this since the advent of the present Administration. The increase since 1873 has been \$166,631 per annum. It is an enormous increase. The Supreme Court is down for \$51,485

*Hon. Mr. Macpherson.*

in 1877, as compared with \$35,657 in 1876. This is an enormous increase, altogether. I have stated before in this House that I hold the Government very largely responsible for the increase in Ontario. I think it would have been very much better had the creation of the Supreme Court been deferred for a time. We had a very high Court of Appeal—without a superior in the world—and one which cost this country nothing; and one which but few suitors resorted to, because they were satisfied with the decisions in this country. Now, there is a sum of \$51,485 charged against the country, and the cost to suitors, on the whole is very great. I saw that the ex-Minister of Justice in a speech which he delivered last Autumn, characterized what I said, on the subject of the Administration of Justice in this House, as "a very ignorant attack." I will not notice that now, but I shall do so before I sit down. In Ontario there are loud complaints of law costs. Men are drawn into Chancery and may win their suits and yet be ruined in the process.

Hon. Mr. PENNY—It is the same in many other countries also.

Hon. Mr. MACPHERSON — There is really no such opening for a public man to serve his country as there is in Ontario as a law reformer. The changes in the system seem to have been designed to promote appeals, and in each higher court that you go to the costs are greater than the one immediately below. The same gentleman will deliver an argument in the court below for a moderate fee, and will repeat that argument with little addition in a higher court and charge two or three times the amount that he was satisfied with in the court below. My next statement relates to the Customs Department. That department seems to be the most extravagantly managed—if it is possible to say which is the most extravagant—of the Government. The cost of collecting the revenue is constantly increasing. It has increased every year since 1875 while the revenue has been decreasing.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—In 1875 the revenue from customs was, \$15,351,011 and the cost of collecting it was, \$682,673; in 1876 the revenue was \$12,823,837 and the cost of collecting it was, \$721,008; in

1877 the revenue was, \$12,546,987—another decline—and the cost of collecting it increased to \$721,604. The percentage cost for collecting the revenue in 1875 was 4.45; in 1876 it was 5.62 and in 1877 it had run up to \$5.75. I call the attention of the House to the customs and cost of collection at the port of Montreal. In 1875 the revenue amounted to \$5,866,711 and it cost to collect it \$99,823, being 1.70 per cent. In 1876 the revenue had fallen to \$4,292,057, and the cost of collection had increased to \$117,275, and the percentage rate was 2.73—an increase of more than one per cent as compared with the previous year. In 1877 the revenue was \$3,869,704, and the cost of collecting it had again increased to \$117,989, being a percentage of 3.05. Hon. gentlemen will perceive an enormous increase in the cost of collecting a decreasing revenue in those three years. I am not going to maintain here that it will be possible, where there is such a large falling off of revenue, to reduce the cost of collecting it in the same proportion. That would be quite impossible and unjust to a great many men, but, at the same time, there is no excuse for increasing the cost of collection as has been done, and it is a matter which, I hope, the Government will undertake to explain to the House in some satisfactory manner. The receipts at the port of St. John were, in 1875, \$1,070,460, and the cost of collection was \$46,932, or 4.38 per cent.; in 1876, the receipts at that port were \$812,832, cost of collection, \$47,674, or 5.86 per cent.; in 1877, the revenue at that port was \$854,126, cost of collection, \$48,796, or 5.71 per cent. Now this is a matter that requires attention, and the attention of the country ought to be directed to it. It is impossible that the public service can have called for an increase of expense in this department, when the revenue in 1877 was largely below what it was in 1875. I repeat, hon. gentlemen, it is impossible that this increase in the cost of collection can have been made in the public interest. There is but one way to explain it, and that is, that the Government are lowering the Customs Department in this country to take rank with the Customs Department in the United States, and we all know that the Customs Houses in New York and Boston are the most corrupt offices

*Hon. Mr. Macpherson.*

in the United States, cesspools seething with political corruption and dishonesty, and I fear it is coming to be as bad in our own country. This may have been one of the places where the great crowd of supernumeraries we have heard of has been seen. In Excise, there has been a very large falling off, and a small decrease in the cost of collecting it. In 1876 the revenue from excise was \$5,563,487, and in 1877 it was \$4,941,898. In 1876 the cost of collecting it was \$218,359, and in 1877 it was \$211,157, showing a falling off in excise revenue of \$621,589, and a decrease in the cost of collecting it of \$7,202. Now I come to the Post Office Department, a department that is managed very expensively. I am quite aware that there is no more valuable institution in the country than the Post Office, and that it ought to be extended as far as the convenience of our people require it. In forming new settlements, postal accommodation should be extended as rapidly as possible. While that is true, it is also true that no department in the Government affords greater scope for favoritism and partiality than the Post Office. The revenue from that Department in 1875 was \$1,155,332; the cost of collection was \$1,520,861, showing a loss of \$365,529. In 1876, the revenue was \$1,102,540, and the cost of collection was \$1,622,827; a loss of \$520,287. In 1877, the revenue was \$1,114,945, the cost of collection was \$1,705,311; a loss of \$590,366, an increasing loss each year, showing that in 1875 it cost \$1.31 to collect a dollar; in 1876 it cost \$1.47 to collect a dollar, and in 1877 it cost \$1.53 to collect a dollar. It is difficult to believe that that increase of expenditure is done in a spirit of economy, and without reasons that are not before me, I cannot believe that it is so. At the same time, I say again, it is a department that I would not by any means starve or stint; on the contrary, it is a department that ought to be made serve our own people who go out and form new settlements. I next come to the Department of Agriculture. This department is becoming more and more costly every year, for the little that it accomplishes. The number of immigrants brought to this country in 1875 was 16,038; in 1876 the number was 10,091, and in 1877 there were only 7,743. The cost per head in

1873 was \$7.76 ; in 1875 the cost was \$18.90 ; in 1876 it was \$26.55, and in 1877 it had reached \$27.04 per head. I have only taken the number of immigrants that landed at Quebec. For these we employ agents in Europe to direct them to our shores. The cost per head of the immigrants is based on the expenditure, less the amount loaned the Mennonites ; adding the cost of the transport of the Mennonites, but excluding the loan, the cost per head for 1876 was \$30.10. The cost per head in 1877, on the same basis, was \$29.60. Our returns show an arrival of immigrants numbering 7,743 souls, but of that number the Government know that something like 4,000 were induced to settle in this country—at least they believe that number settled in Canada. As for the others, they do not know what has become of them. No doubt they had through tickets, and went on to the United States, rendering this country no benefit whatever, except the little money they may have spent in passing through the country. I see by an English paper, that the emigrants from Canada this year are set down at 5 000 against 7,000 sent out. The 7,000 is roughly stated, but it agrees very nearly with the number, set down in the return of the Minister, who left for Canada, giving the colony a gain of just 2,000 souls. So that we paid upwards of \$300,000 last year to secure those 2,000 immigrants. Now, judging by the reports, I see the agents in Europe are really deterring emigrants from coming to Canada. That seems to be their employment. I think this department should be called "The Anti-Immigration Department," for since the days of the great Agent General, down to the present, I believe the efforts of the agents are directed to prevent emigrants from coming to this country. Emigration is very small from Europe at the present time, and I do not see why an expensive staff of agents are kept on the other side at all. Here are \$300,000 expended, of which a great part is actually thrown away and wasted. I hope the Minister of Agriculture will be able to tell us that it is the intention of the Government to reduce the European agencies.

I will now submit a memorandum showing the balance, as I make it out to be, between the increases and decreases of expenditure in the years 1876 and 1877.

*Hon. Mr. Macpherson.*

According to the Public Accounts, there is a decrease in the expenditure chargeable to Consolidated Revenue Fund of \$1,810,840. The increases show a total of \$474,802, but that amount is short stated by the amount of the "Intercolonial Railway renewals Suspense Account," making the actual increase chargeable to Consolidated Revenue Fund \$818,393, leaving an apparent decrease of \$992,447. I will now explain how that sum is made up, and more than made up. There is a decrease in the expenditure for Militia and Defence of \$428,729—that is, the expenditure has been reduced from \$978,530, in 1876 to \$550,451 in 1877. Now, I ask hon. gentlemen, if it is possible that that reduction can be a wise retrenchment, unless the intention is to disband and abolish the force, and that this is really the beginning of the process of disbandment? If the Government are prepared to tell us that that is their policy, it can be understood, but it is utterly impossible that a department like the Militia Department can bear a reduction, in one year, of nearly one half of the usual annual expenditure. It is quite possible, from what the hon. Secretary of State said the other day about Fort Francis Lock as a military work, that the expense on that work may be charged in future to the Militia Department. It certainly has quite as much to do with the Militia Department as it has to do with the Pacific Railway, and that is nothing whatever. The decreased expenditure upon public works in 1877, compared with 1876, was \$686,118, and is caused by the cessation of payments on works which have been completed. Then there is the Dominion Lands Survey in Manitoba, a decrease of \$122,330. The surveys were discontinued because more lands were surveyed than were necessary. I do not think the Government can claim that as retrenchment. The Government cannot take credit for discontinuing the payments upon new buildings or other works when once they are finished, or for stopping surveys when more land is surveyed than is likely to be wanted for years. Then there is a decrease of \$51,947 for Dominion Forces in Manitoba. They have been disbanded, I believe, so that they could not be paid. Then there is the Boundary Survey, a decrease of \$134,105. That survey was completed, and, of course, the

officials and men were not likely to be continued under pay after their work was done, so I cannot award the Government great credit for retrenchment there. Settlers' Relief Fund in Manitoba, \$83,405. That is an item that, happily, was not required in 1877, and it cannot be spoken of as retrenchment. This makes an actual increase in the controllable expenditure of the Government in 1877 of \$513,527 as follows:—

Decreases in Expenditure charged to Consolidated Revenue Fund, in 1877.	\$1,810,840
Increases " " 474,802	
Add short-charged against " Public Works charges on Revenue " being for Intercolonial Railway Renewal Suspense acc., 343,591	818,393
Apparent decrease.....	\$992,447
But among the items showing a decrease are the following which, as I have explained, are not decreases effected by retrenchment:—	
Militia & Defence.....	428,079
Public Works.....	686,118
	<u>1,114,197</u>

	1,114,197
Dominion Land(surveys)	
Manitoba..	122,320
" Forces "	51,947
Boundary survey.....	134,105
Settlers' Relief, Manitoba	83,405
	<u>1,505,974</u>
Making the actual increase of strictly controllable expenditure in 1877.....	\$513,527

I do not assert that these figures are exact. It is impossible to arrive at an exact balance, but I believe it to be an approximate estimate, and fair and liberal to the Government. It shows that, so far from the controllable expenditure being decreased, it has actually been increased, in 1877 over 1876, by about half a million of dollars. I think the House will agree with me that the Government do not deserve credit for economy; that they have given us none of the retrenchment and economy which they promised and which we had a right to expect from the professions and previous character of the hon. gentlemen. The next statement which I will submit is a comparative statement of revenue and expenditure for each financial year, since Confederation. It is as follows:—

*Comparative Statement of the Revenue and Expenditure of each Financial Year since Confederation.*

EXPENDITURE AS PER PUBLIC ACCOUNTS	1867-68	1868-69	1869-70	1870-71	1871-72	1872-73	1873-74	1874-75	1875-76	1876-77
Charges for management of Debt Interest and Subsidies.....	7,969,900	8,403,527	8,102,191	8,638,565	9,004,362	8,717,076	10,255,798	11,124,726	11,122,359	11,489,326
Ordinary Expenditure.....	3,630,298	3,459,485	3,891,592	4,610,401	5,873,519	7,062,095	8,324,076	7,868,690	8,569,774	6,835,078
Charges on Revenue.....	1,885,804	2,175,071	2,351,724	2,374,114	2,711,587	3,395,475	4,736,442	4,719,654	4,796,238	5,194,896
Total Charged Consolidated Fund.....	13,486,092	14,038,084	14,345,509	15,623,081	17,589,468	19,174,647	23,316,316	23,713,071	24,488,372	23,519,301
Total receipts of Revenue as per Public Accounts.....	13,687,928	14,379,174	15,512,225	19,335,560	20,714,813	20,813,469	24,205,092	24,648,715	22,587,587	22,059,274
Yearly Surpluses.....	201,836	341,090	1,166,716	3,712,479	3,125,345	1,638,822	888,776	935,644	1,900,785	1,460,027
Deficits.....										
<b>RECAPITULATION OF SURPLUSES</b>										
Surplus, Financial Year.....	1867-68	1868-69	1869-70	1870-71	1871-72	1872-73	1873-74	1874-75		
	\$ 201,836	341,090	1,166,716	3,712,479	3,125,345	1,638,822	888,776	935,644		
Admitted Deficit for 1876-77.....									\$1,460,027	\$1,900,785
Add for Intercolonial Railway Renewals Suspense Account...									343,591	
Actual deficit 1876-77.....										\$1,803,618
Total deficits since 1875.....										\$3,704,403
Total amount of Surpluses since Confederation....										\$12,010,708

It will thus be seen there was a surplus every year down to and including 1875, amounting, in the aggregate, to \$12,010,708. In 1876 there was a deficit of \$1,900,785, and in 1877 there was another deficit of \$1,460,027, to which has to be added the "Intercolonial Railway Renewal Suspense Account," \$343,591, making the deficit of that year \$1,803;

618. The item of \$68,388 for Intercolonial Railway stores should also be added, but, for reasons which I have already given, I shall not add it. It gives me no pleasure to have to show that the deficit is larger than stated by the Minister of Finance. The next statement shows the Capital Expenditure since Confederation. It is as follows:—



The Pacific Railway, the total expenditure from Capital has been \$7,975,578. There is a very strange entry in that account. There is an item under the head of "Pacific Railway Construction," of \$572,144.19, value of rails and material transferred to the Intercolonial Railway. I cannot find that item in the account of the Intercolonial Railway. It is taken bodily out of the Pacific Railway account, but I have not been able to find it in the other account.

Hon. Mr. BOTSFORD—Does it not

appear in the Public Accounts somewhere else?

Hon. Mr. MACPHERSON—I have not been able to find it in the Intercolonial Railway account. If it is there, it must be in some other account, forming a larger sum, but my impression is, it is not there, so that that item should be added either to the Pacific Railway expenditure or to the Intercolonial Railway expenditure. I now come to a comparative statement of the public debt and interest:—

*Comparative Statement Public Debt and Interest.*

PUBLIC DEBT.	TOTALS.	INCREASES.	INTEREST ON DEBT.	TOTALS.	INCREASES.
Total Debt 1873.....	129,743,432		Total Interest 1873...	5,549,374	
Increase 1873 to 1874.....		11,420,119	Increase 1873 to 1874.....		573,470
Total Debt 1874.....	141,163,551		Total Interest 1874...	6,122,844	
Increase 1874 to 1875.....		10,499,850	Increase 1874 to 1875.....		217,212
Total Debt 1875.....	151,663,401		Total Interest 1875...	6,340,056	
Increase 1875 to 1876.....		9,541,286	Increase 1875 to 1876.....		413,115
Total Debt 1876.....	161,204,687		Total Interest 1876...	6,753,171	
Increase 1876 to 1877.....		13,471,147	Increase 1876 to 1877.....		379,237
Total Debt 1877.....	174,675,834		Total Interest 1877..	7,132,408	
Total Increase of Debt in 1874-1875-1876 1877.....		\$44,932,402	Total Increase of Interest in 1874-1875- 1876-1877.....		\$1,583,034

It shows the public debt now stands at \$174,675,834, a very formidable sum, hon. gentlemen will admit, and nearly four millions of it—\$3,862,068—is a sum that we have not received, but our debt has been increased by that amount which was sunk by the Minister of Finance in England, in payment of interest in advance, for the period of the loan for the sake of getting a nominally lower rate of interest. When I last alluded to this, I had not the Public Accounts before me, and I did not see the whole amount that had been sunk in this way, but it is as I have stated it, that the amount so sunk by the present Finance Minister is \$3,862,068. Our debt has been increased by that amount, and we are paying interest upon it while we did not get the principal.

Hon. Mr. BOTSFORD--And we must repay the principal?

Hon. Mr. MACPHERSON--Certainly we must repay the principal, although

*Hon. Mr. Macpherson.*

we did not receive it. A good deal may be said on both sides of the question as to which is more expedient, negotiating a loan at par, or at a discount. I maintain, that in a country like this, which is constantly borrowing, we should pay the rate of interest that will give us as nearly as possible par loans. It is exceedingly important for us to maintain our credit, but the increasing number and amount of our loans, and alarmingly increasing debt, is calculated to injure our credit. The very first question that would be asked the Minister of Finance, if he went to negotiate another loan, would be the amount of our debt. He would state the amount of debt and say that it was at such and such a rate of interest; that we had a certain amount of assets, &c. But that is a very undesirable mode of applying for a loan. Whenever it becomes necessary for a borrower to enter into explanations of that kind, it is prejudicial to his chances, and he has to pay more for his money. A very unfortunate system has been adopted, and

I think it must be apparent to the country now when they see that our debt has been increased by the amount of nearly four millions, which we have not got, but on which we have to pay interest and repay the nominal principal in full, and borrow again, they will see that a most unwise and wasteful system has prevailed. Now, hon. gentlemen, we have had a deficit each of the last two years of, in round figures, a couple of millions, and it is not proposed to do anything this year to supply it. Is it possible that that will not affect most prejudicially the credit of the Dominion? Does not the Government know, as well as every thinking man in the country knows, that it will be impossible, from the present sources of revenue, to overtake those deficits. I believe the Government are perfectly well aware of it, and they must have some scheme of taxation which they ought to communicate to Parliament and to the people, but which they studiously withhold. There can be no question about that. There is some scheme which will probably be a very unpopular one, a very odious one, which they know if they communicate to the people now, would be very unpopular. They have no right to retain a scheme in reserve which they are afraid to communicate to the country.

Hon. Mr. WILMOT—There is an income tax, perhaps?

Hon. Mr. MACPHERSON—An income tax and a land tax, no doubt. There will be some odious and inquisitorial tax that will be found to be as unpopular and obnoxious as it is possible for taxes to be.

Hon. Mr. BROWN—Oh! oh!

Hon. Mr. MACPHERSON—Yes, and no doubt the hon. gentleman is in the secret and knows all about it. Look at the decline in values; our tariff is mainly an *ad valorem* one, and as the values of staples decline, so must our revenue. Why, even if the depression in the country was succeeded by prosperity, the general values of goods cannot be expected to advance in the sudden way they declined, and unless they do, no matter what the prosperity of the country may be, the necessary revenue will not be obtained from the sources which we have heretofore depended upon, and which have sufficed. The hon. gentlemen know that,

Hon. Mr. Macpherson

and it is dishonest in them to pass through this last Session of this Parliament, and not tell the country what they intend to propose, if they should have an opportunity of doing so. The percentage of deficit for each of the two years was, in 1876, on the total revenue, nearly  $8\frac{1}{2}$  per cent.; and on taxation,  $10\frac{1}{2}$  per cent. In 1877 it was about  $8\frac{1}{2}$  on revenue, and  $10\frac{1}{2}$  on taxation. I do not attach very great importance to the difference between revenue and taxation, because all has to come out of the people, but as a matter of fact, the statement is as I have placed it before the House. Is it not unpardonable that those hon. gentlemen should keep the country in ignorance of what they intend to do in the matter, when every hon. gentleman must see that some new scheme of increased taxation is absolutely necessary? In England, the revenue is something like £80,000,000. Supposing the Chancellor of the Exchequer came down with a deficit of more than 10 per cent., what would the country say to him? Would the country allow Parliament to rise without increasing the taxation? They might eject the Chancellor of the Exchequer and his colleagues from office, but Parliament would impose taxation or reduce expenditure, and the credit of the country would be maintained. The credit of the Dominion is being destroyed by the system pursued by the Government. Here they are going on accumulating these deficits. Why, the deficit is nearly one-third of the interest of our public debt. Will hon. gentlemen consider what that means?

Hon. Mr. WILMOT—It is compound interest.

Hon. Mr. MACPHERSON — Fancy the case of a farmer who has a mortgage on his farm. The first thing he must do is to support his family. That done, suppose he then finds the balance of his income one-third less than the interest he has to pay on the mortgage. What is his position? Unless he can raise three blades of grass where he raised two before, or retrench, ruin is before him; and it is just the same with countries as it is with individuals. No doubt this country will recover itself, but it will be at a very great cost. The customs revenue, for the year up to the tenth of February, shows a small increase, but I am not at all sure

that it will not show a decrease on the year, because the importations on the year are falling off. The mild season we have had, while favorable for the poor, has interfered very seriously with the consumption of winter goods of all kinds. People in poor circumstances have done without their winter clothes that they intended to purchase, and will wait for another winter. To say that we are to let another year pass this way, increasing our debt by deficits, is the most unwise administration that it is possible to conceive. I stated, in the early part of my remarks, that the late Minister of Justice, in the speech which he delivered before his constituents in South Bruce, addressed the following very rude remarks to me:—"A very ignorant attack was made on the Administration of Justice, not in the House of Commons but in another place." We all know, hon. gentlemen, what that means, and he might just as well have named me, because I was the only person in this House who spoke on that subject. I am not disposed to pass without comment an observations of that kind coming from the ex-Minister of Justice. His remark was very unjust. I made no ignorant attack. I think I can appeal to hon. gentlemen to say whether I am in the habit of making ignorant statements in this Chamber. My statements have been questioned sometimes, but they have never been refuted or disproved.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON — Hon. gentlemen on the other side had said they only wanted a little time to answer my statements, my charges of extravagance against the Government, but the time has never come—perhaps it will come to-day—but neither here nor elsewhere, with all the ingenuity that has been possible to bear from the Department, has one of my statements been refuted. I made no ignorant statements in this House with respect to the Administration of Justice. I merely stated that the amount of the increased expenditure chargeable upon the public was, and where it was, but I also stated, and I repeat it again now, that so far as Ontario was concerned the changes there could not have been made if the ex-Minister of Justice had been opposed to them, and I repeat here, that the changes

*Hon. Mr. Macpherson.*

that have been made in the laws and procedure of Ontario are all in the interests of the lawyers. But, hon. gentlemen, I should rather fall into an ignorant statement than make a disingenuous statement, and I believe I can show that the Minister of Justice did so at Teeswater, in the county of Bruce, before his constituents. If a gentleman makes an incorrect statement ignorantly, it is, at all events, done without evil intent, but when a man makes a disingenuous statement it is quite another thing. I shall quote from the "authorized edition" of those speeches—precious production it is. On page 136, under the head of "economies effected" Mr. Blake said:—

"Now I will give you the results of that re-organization. The staff had been increased in 1873, and in November of that year, at the resignation of the late Government, the annual rate of charge for salaries, including bonuses and an officer charged on contingencies, was over \$13,500. Changes subsequently took place, and the rate of charge when I took office in May, 1875, was over \$15,750. I was, as I have said, unable to make a reduction in salaries during the first year; but the re-organization which, with the assistance of my colleagues, I was enabled to effect was such, that in June last, when I left office, the rate of charge for salaries was only \$10,750, (loud cheers) a reduction of over \$5,000, or about one-third of the rate when I took office, and of \$2,800, or about one-fifth of the rate when the late Government resigned. (Renewed cheers.) This great reduction in the annual charge upon you for salaries has been effected, you will bear in mind, notwithstanding the enormous increase in the work, to which I have already called your attention. Combining the charges for salaries and contingencies, the total charge for the contingencies of 1873, and the rate of salaries for November of that year, would be over \$23,000. When I took office they would be over \$26,600; and for 1876 they were reduced to less than \$21,000; when I left office they had fallen to \$13,537, about one-half, or a saving of \$13,000 on the rate when I came in, and five-twelfths, or a saving of \$9,500 on the rate when the late Government resigned; and this, mark you, once again, in the face of an enormously increased volume of work. (Loud cheers.) Now, sir, I do not propose at this moment to enter into an enquiry as to how the large sums I have named came to be expended by our adversaries in 1873, in the execution of the comparatively small work of that time. Our opponents, at any rate, will not contend that their expenditures were wrongful or wasteful; they will argue for their propriety and necessity; they will tell you that they could not conduct the business of the State more economically than they did. Assuming for the moment, without at all admitting the

accuracy of this view, I leave you to contrast the figures I have given, and to determine whether they furnish any ground for charging us with extravagance or incapacity in the management of these departmental matters, which, it has been rightly said, are peculiarly under our own eye and control, and in respect of which, therefore, we have a special responsibility. Nay, sir, I go further—I re-tort the charge upon our adversaries; I say these figures put them, and not us, on the defensive; that they lead to inferences the very opposite of those which have been urged against us; and that we may fairly ask you to decide that we have been able to walk in a more excellent way than followed by our loud-mouthed accusers. (Hear, hear, and cheers.) In 1873, the telegraph account was \$4,371.88; in 1876, \$1,164.69; and in 1877, \$530."

It will be seen from this extract from his speech that the Minister of Justice combined salaries and contingencies for one financial year, and the rate of salaries for one month, in another financial year so that it is exceedingly difficult—in fact impossible—to compare that particular statement with the Public Accounts; but Mr. Blake said combining salaries and contingencies when he took office they would be over \$26,600, and for 1876 they were reduced to less than \$21,000. When he left office they had fallen to \$13,537. Now hon. gentlemen the Public Accounts show that the salaries and contingencies of the Department of Justice amounted to in

1875.....	\$32,696
1876.....	27,979
1877.....	21,484

This makes a difference between the Public Accounts and Mr. Blake of

\$6,096.....	in 1875
6,979.....	in 1876
7,947.....	in 1877

Now hon. gentlemen I presume that the then Minister of Justice excluded his own salary from the expenses of his office. Why he should have done so is to me incomprehensible. I at first thought it possible from an expression which he had used in another part of his address—that he had not drawn his salary, but on looking at the Public Accounts I find his salary drawn like that of other Ministers, properly drawn. The statement was unquestionably delusive to his hearers. He stated that the expenses of his department were seven thousand dollars less than they really were during each of the years 1875, 1876 and 1877.

Hon. Mr. Macpherson.

Hon. Mr. SCOTT—If the hon. gentleman will look at the estimates he will find that departmental expenditures do not include the Ministers' salaries.

Hon. Mr. MACPHERSON—The hon. gentleman says they are not in the estimates, but they are in the expenditure. The Public Accounts are the place to find the expenditures, and not the estimates. The Public Accounts are my authority, and the Minister of Justice was speaking of expenditure, he was not speaking of estimates, and his hearers, the honest men of Bruce, would suppose he was making a full disclosure of the expenses of his office while he did not do so. In 1877, Mr. Blake took credit for reducing the expenses of his office, but he has divided the department, separating the Penitentiaries branch, but this subdivision did not reduce the gross expenditure. The salaries of the Penitentiaries branch in 1877, were \$2,577; and contingencies, \$1,683; making together, \$4,260. I am inclined to think that the expenses of the office were very little increased by that sub-division, and that the item of \$4,260, ought to be added to the \$21,784, making the expenditure, \$26,044 for that year. In 1872-3, the expenses of the Department of Justice—the salaries and contingencies, including the salary of the Minister—were \$26,837, and in that year the Mounted Police Force was mainly organized, and organized through that department, without any additional charge to the public, so that even if the whole of this sum of \$4,260, connected with the Penitentiaries branch, which I think ought to be added to the expenses of the Department of Justice, should not be strictly so charged, the organization of the Mounted Police in 1872-73 is a fair set off against it. When the hon. gentleman was making those comparisons, comparing the expenses of his department with the expenses of the same department during the time it was under the administration of Sir John A. Macdonald, and glorifying himself at the expense of his predecessor, I think he might have gone a little further and compared their own salaries. He should have told the people while he was drawing \$7,000 a year—I think he had then taken the office of President of the Council, which he had himself declared to be a sinecure—Sir John Macdonald had discharged the duties of Minister of

Justice and of Prime Minister, for \$5,000 a year down to the last year of his Administration.

Hon. Mr. PENNY—Who made the change.

Hon. Mr. MACPHERSON—That is not the question. Mr. Blake benefited by the change. I see by the Public Accounts of 1877-78, that the contingencies of that department were only \$2,760, an enormous reduction, and if they can be kept at that Mr. Blake deserves great credit for it. But, strange to say, I see in the estimates for 1878-79, the contingencies are put down at \$5,500, and that in the Penitentiaries branch they are put down at \$1,750. If those items are added together the reduction will not be as great as promised. I think, however, hon. gentlemen, that those who called attention to the enormous and wasteful expenditure of the Government deserve more credit than the Ministers for whatever retrenchment has been effected. In the year 1872-73, Sir John Macdonald's last complete year, the expenses of the Department of Justice amounted to \$26,779; in 1875, the first complete year of the administration of this Government, they increased to \$32,696; in 1876 they were \$27,979, and in 1877 they were \$21,601. I ask hon. gentlemen if the duties of this office can now be performed for \$21,601, how were they to justify the increase by the present Government of the expenditure to \$32,696 in 1876? But that is not all. The Minister of Justice called attention particularly to the Telegraph Account. He says "in 1873 the telegraphic account was \$4,371,88 for that department; in 1876 it was \$1,164.69 and in 1877 it was \$330." That is an enormous reduction, but I will ask hon. gentlemen if they would not suppose from the passage I have read, that the amount charged for telegraphing in the Department of Justice in 1872-73, was the largest that was ever known in that department; it was held up as something altogether scandalous, and we are told of Mr. Blake's reduction. Now will it not surprise hon. gentlemen when I tell them that in 1874-75, the first complete year of the present Government, when the Department of Justice was administered for a part of the year by Mr. Fournier, and a part of it by Mr. Blake, that the telegraphing cost \$5,399.44, being

*Hon. Mr. Macpherson.*

upwards of one thousand dollars more than it was in 1872-73.

Hon. Mr. PENNY—What months was the increase in? There was a great deal of telegraphing in a certain month.

Hon. Mr. MACPHERSON—There are no details given in the Public Accounts, just the amounts for the year, but there is this to be borne in mind, that the Minister of Justice in Sir John Macdonald's Administration was also Prime Minister, but he was not so in Mr. Mackenzie's Administration. It is well known that there is much more telegraphing in the Premier's department than in any other in the Ministry. I have, therefore, added together the expenses for telegraphing for the Departments of Justice and Public Works, for 1872-3, when Sir John A. Macdonald was Premier and Minister of Justice, and Mr. Langevin was Minister of Public Works, and they amount to \$6,851.54, while in 1874-5 the telegraphing in the same departments, Mr. Mackenzie being Premier and Minister of Public Works, was \$9,551.44. Now, I ask, hon. gentlemen, in the face of such facts as these, was it a proper thing for Mr. Blake to address the honest men of Bruce as he did, with respect to the telegraphing of the public departments of the country? Was it not calculated to mislead his hearers? I have calculated the number of messages per day, that must have been received in the Department of Justice in 1874-5. The amount paid was \$5,399, being, at a quarter of a dollar per message, about 21,600, messages.

Hon. Mr. SCOTT—A large portion of that was in consequence of the Mounted Police, the management of which was in the Department of Justice.

Hon. Mr. MACPHERSON—Were they telegraphing to the Mounted Police on the prairies?

Hon. Mr. SCOTT—Yes, and there were long distances which special messengers had to take them, and it is one of the expensive items in connection with that department.

Hon. Mr. MACPHERSON—Just think of a minister sitting at the receipt of 70 messages per day, every day of the week, and every week of the year?

Hon. Mr. SCOTT—Are you calculating at 25 cents per message?

Hon. Mr. MACPHERSON — Yes, there are some of them run, no doubt, more, but I take that average.

Hon. Mr. SCOTT — Messages to British Columbia sometimes cost \$15 to \$20 each.

Hon. Mr. MACPHERSON — I suppose the great majority of them were at 25 cents each.

Hon. Mr. BROWN — You cannot make 25cts. a message an average because that is the lowest price.

Hon. Mr. MACPHERSON — A man receiving twenty or even fifty messages a day is to be pitied. It is sufficient of itself to impair a man's health. Imagine 70 telegraph messengers rushing into a man's office every day? It is enough not only to impair his health but to distract his mind and to unfit him for business. Then there was \$6,277.24 for the telegraphing of the Customs Department.

Hon. Mr. AIKINS — Twenty dollars a day for every working day of the year.

Hon. Mr. MACPHERSON — Exactly, and at the same rate as I calculated the others, it is 80 messages a day. Fancy poor Mr. Burpee the victim of 80 messages a day?

Hon. Mr. SCOTT — What year was that?

Hon. Mr. MACPHERSON — In 1874-5, the first complete year of this Administration.

Hon. Mr. SCOTT — There was a change of tariff in that year, I suppose.

Hon. Mr. AIKINS — Not in telegraph messages.

Hon. Mr. SCOTT — Yes, the minister takes possession of the telegraph offices during the delivery of his budget speech.

Hon. Mr. MACPHERSON — It only covers one day, and the hon. gentleman would not be receiving any replies during that time; he would simply be despatching them. It is a fearful thing to contemplate, a poor man receiving and despatching seventy to eighty messages a day. I fear hon. gentlemen, the torture of "sitting at receipt of custom" is greater than people in general imagined. The whole amount of telegraphing for the departments in the last year of S.r John Macdonald's Administration was \$24,875, but what do you think of the total amount

*Hon. Mr. Macpherson.*

during the first complete year of economy and retrenchment being \$38,507.62?

Hon. Mr. SCOTT — That was in 1874-75?

Hon. Mr. MACPHERSON — Yes; the increase is considerably more than fifty per cent.

Hon. Mr. SCOTT — Give us the years subsequent to that?

Hon. Mr. MACPHERSON — They show a very great reduction. The economists had called the attention of the country and of the Government themselves to their extravagance, and they then began to retrench. It is quite impossible that all this money could have been properly expended in telegraphing. Just see what it amounts to. It is within a fraction of two per cent on the capital of the Montreal Telegraph Company, which is \$2,000,000, so that the Government in 1874-5 paid to that company a sum equal to two per cent upon its whole capital. It was monstrous, and was after the elections when the hon. gentlemen came back with an enormous majority at their backs, a majority which should have enabled them—and would have enabled them—to carry on the Government of the country prudently, economically, and honestly. It was when they came back with that majority, they considered themselves safe in the saddle, and expecting that the revenue would be increased by the legislation proposed by the Finance Minister, by three millions of dollars, they thought they could do what they liked, they ran riot with the public money. The hon. Secretary of State has asked me what the amount for telegraphing was the following years. It was \$19,429.78 for 1875-6; \$15,149.41 for 1876-7; and between \$13,000 and \$14,000 for 1877-8.

Hon. Mr. SCOTT — It was coming down.

Hon. Mr. MACPHERSON — Yes, coming down enormously, showing how culpable the expenditure of 1874-75 had been. I think hon. gentlemen, it would have been a proper thing for the Minister of Justice to have told all the facts to his constituents. Saying what he did was calculated to mislead them. Then with respect to the management of his department he cut down the contingencies con-

siderably. Whether they can be kept at the figure he put them at remains to be seen. The estimates however point clearly to their advancing again, certainly to the amount of \$5,000. The salaries are also reduced: whether they have been reduced over much to permit the efficient discharge of the duties of the office remains to be seen. But one of the committees of this House—a committee of which I am a member—has had evidence before it that the business of the department has not been conducted with the care and circumspection we have a right to expect. The accounts of the Neebing Hotel were passed through that department without proper audit.

Hon. Mr. SCOTT—The hon. gentleman is under a misapprehension; it has only the accounts of Mr. Brown to deal with.

Hon. Mr. MACPHERSON—Which ever department it came through, must have conducted its business with great looseness, because the accounts were never examined, and the land on which the hotel stands was paid for twice to the amount of \$500. Parsimony is not required by the country, and the people do not ask that the expenditure be reduced to a point that will not admit of efficient administration. On the contrary they desire to have efficient administration, and are willing to pay proper salaries to efficient men, but they do not want to see the departments and corridors crowded with supernumeraries and inefficient men.

Hon. Mr. SCOTT—Before making any lengthy observations, I will simply express my regret that the practice has arisen in his Chamber, under the auspices of my hon. friend who has just sat down, of commenting on the utterances of ministers in another place. I think if we are to preserve the amenities of life in this Chamber, it would be much more in keeping with the harmony that we ought to desire to see established, that utterances outside of this House should be met outside, and that discussions of senators and members of the House of Commons should not be conducted both inside and outside of this Chamber. The result of that sort of controversy would be this, that hon. senators would make attacks upon members of the House of Commons without their having an opportunity of hearing them, and members of the House of Commons would attack hon. senators in a

*Hon. Mr. Macpherson.*

similar manner. It may be in accordance with the etiquette prevailing in this Chamber, but my short acquaintance with it has not enabled me to observe that such a custom has prevailed here in the past. On the contrary, the expressions of opinion I have heard in this Chamber in referring to members of the other House, led me to a different conclusion, that it was neither desirable, nor had it been the practice of this Chamber, that utterances of members of the House of Commons should be descanted on here as such.

Hon. Mr. MILLER—Are they very cautious in referring to us?

Hon. Mr. MACPHERSON—I entirely agree with what has fallen from the hon. gentleman, and I have always carefully avoided referring in this House to anything that has fallen from any hon. gentleman in his place in the other House. I do not know an instance where I have done so, and where members of the other House have attacked me out of doors, I have answered them there. But the Minister of Justice did not confine himself to what I said outside of doors. He reflected rudely on what I said here. If he had only referred to any statements made by me outside of this Chamber, I would not have alluded to it here, but would have answered him in another way. The breach of etiquette was on his part and not on mine.

Hon. Mr. SCOTT—I think Mr. Blake will have something to say on the point of misrepresenting facts. We know there is no gentleman more cautious in his utterances, and no one speaks with more care than Mr. Blake.

Hon. Mr. CAMPBELL — Telegraph bills to wit.

Hon. Mr. SCOTT—I have not now all the figures sufficiently before me to analyze my hon. friend's comments with respect to that expenditure, but I am quite sure there is a misunderstanding somewhere, and Mr. Blake will be able to substantiate anything he has said with reference to his department.

Hon. Mr. MACPHERSON—What I complain of is, not what he stated with reference to the telegraph account, but what he omitted.

Hon. Mr. SCOTT—My hon. friend said Mr. Blake had deceived the good

men of Bruce by omitting a most important item of expenditure, his own salary. That would depend entirely upon the statement he was making. If he was contrasting his expenditure with that of a preceding minister whose salary was not included in the statement, then it would be fair enough; if, on the contrary, he included the salary of a preceding minister and omitted his own, that would be misleading.

Hon. Mr. MACPHERSON—I charged Mr. Blake with having understated the amount of salaries of the department. The amount is to be found in the Public Accounts, and Mr. Blake understated that.

Hon. Mr. SCOTT—Probably Mr. Blake will answer that for himself. I will take the opportunity myself of going into the details of my hon. friend's references. He has adverted to so many points—points of a very various character—that I have been unable directly to follow him. I have made notes, but not sufficiently consecutive to probably reply in the exact order in which he brought forward this bill of indictment. The hon. gentleman has, in many instances, found the expenditure in 1877 less than in the preceding year, and in several cases he rather questioned the wisdom of making the reduction. As for instance, the reduction in some expenditure in connection with the management of the canals.

Hon. Mr. MACPHERSON—I did not question that.

Hon. Mr. SCOTT—He complained that we had reduced the cost of labor, while there was no reduction in the salaries of the officers. The sum total of the ordinary expenditure of the Government for the particular years to which he drew attention—1875-6 and 1876-7—under the head of ordinary expenditure, which my hon. friend says is specially controllable by any administration, was \$8,569,000 in 1875-6 and \$6,835,000 in 1876-7.

Hon. Mr. MACPHERSON—That is what I said.

Hon. Mr. SCOTT—It presents, with the exception of 1874-5, as compared with 1873-4, the only instance of any magnitude where any great reduction has been made since Confederation.

*Hon. Mr. Scott.*

Hon. Mr. PENNY—Hear, hear!

Hon. Mr. SCOTT—The hon. gentleman in the course of his observations had reference to the speech that he delivered on a former occasion in connection with the general expenditure, and he maintains now, as he has maintained on other occasions, that they had not been answered, that he had established the fact, that the large expenditures in 1874-5 and 1875-6 were chiefly due to the present Administration, and ought to have been controlled by us, that it ought to have been brought within an amount which would be equal to the reduced revenue. He has also challenged, in the course of his observations, the statement that I myself made, that the expenditure of 1873-4 was entirely due to the late Administration. In the elaborate papers that he has published on the subject, and his utterances in this Chamber, (and I must do the hon. Senator the credit to say that he has worked indefatigably to get up those tables and statements,) he has gone back to the year 1872-3 as establishing the natural, and proper basis on which to form comparisons with subsequent years. In order that I may satisfy the House, if not the hon. Senator, that I was correct on a former occasion when I made the statement that the year 1873-4 was a year in which the expenditure of subsequent years was not only initiated by the late Government but was, by the legislation and actions of the Parliament of 1873 controlled by them, I have taken the trouble to prepare a table showing the estimates as brought down by the Finance Minister in 1873, and the amount voted by Parliament in that year, increasing the expenditure, and that will show that in 1873-74 the expenditure contemplated was in excess of the actual amount expended. The hon. gentleman said a few moments ago, that he gave us credit for \$1,800,000—that he was prepared to divide the responsibility of the year 1873-74. He thought that was a most liberal allowance to make, for this Administration. I hold in my hands a copy of the budget speech of the Finance Minister which was delivered on the first of April, 1873. In that speech, after going over the ground and mentioning what increases he proposed, stating in the first the place the debt and its position and taking credit to the Government of

the day for the manner in which that debt had been kept under, he comes to those portions of it in which he has reference to the proposed expenditure of the then coming year. He says "on the whole, "if our estimates be based on correct principles, we will have a revenue of \$21,740,000, against an estimated expenditure of \$20,826,849, or a surplus of \$913,151." Now, instead of estimating \$20,826,000 for the expenditure of that year as the country was led to believe he should, the actual estimate that ought to have been introduced was \$23,540,000.

Hon. Mr. MILLER—That includes the statutory increases.

Hon. Mr. SCOTT—Yes.

Hon. Mr. MILLER—And the readjustment of the debt of Prince Edward Island?

Hon. Mr. SCOTT—No; Prince Edward Island had not then come into the Union. There was nearly \$4,000,000 to be added afterwards for that. My hon. friend when discussing this question last year said he believed there was a supplementary estimate. There was not only a supplementary estimate, but there were three of them, and a fourth for the current year, all submitted between the first of April, and the rising of Parliament on the third of May. There were several Acts of Parliament, one particularly increasing nearly every official's salary, which added some \$500,000 to the cost of the country.

Hon. Mr. MACPHERSON—To go into operation in 1874.

Hon. Mr. SCOTT—It was passed in 1873.

Hon. Mr. MACPHERSON—Will the hon. gentleman deal with the expenditure?

Hon. Mr. SCOTT—I will come to that presently. When the previous Parliament had crystallized by an Act of Parliament the expenditure, my hon. friend would have been the very first to condemn this Administration if we had attempted to undo it, particularly when the rights of others were affected by it.

Hon. Mr. MACPHERSON—Didn't the hon. gentleman's Government rescind an appropriation of \$75,000 made by the late Government?

Hon. Mr. SCOTT—There was no appropriation at all. Under an Order-in-Council, without authority from Parliament or any vote for the purpose, the Government added a very considerable sum—I think it was in excess of \$60,000. That Order-in-Council was rescinded. The Minister of Customs had taken authority in his own department to increase the salaries \$60,000 for that year, but, subsequently, he made that amount something like \$120,000. We declined to carry out one-half of that for which Parliamentary authority had not been obtained. I hold in my hands the following table, showing the Supply Bill for 1873-4, with the amounts authorized by statute, and the amounts brought forward from 1872-3:—

EXPENDITURE 1873-74.

Consolidated Fund.

	SUPPLY BILL.	AUTHORIZED BY STATUTE.	BROUGHT FORWARD FROM 1872-3.	TOTAL APPROPRIATION.	EXPENDITURE.
<b>CHARGES FOR DEBT AND SUBSIDIES.</b>					
Interest on Public Debt.....					\$5,724,436 31
Charges of Management.....					238,003 52
Sinking Fund.....					513,920 00
Premium Discount and Exchange.....					26,680 99
Subsidies to Provinces.....					3,752,757 48
					\$10,255,798 30
<b>ORDINARY EXPENDITURE.</b>					
Civil Government.....	\$570,192 50	\$281,880 71		\$852,073 21	\$883,685 53
Administration of Justice.....	17,000 00	467,954 66		484,954 66	459,037 49
Police.....	58,595 00			58,595 00	56,387 54
Penitentiaries.....	357,525 88		37,782 62	395,308 50	395,551 76
Legislation.....	211,713 00	329,765 00		541,478 00	784,048 15
Geological Survey.....	64,700 00	45,000 00	1,407 60	111,107 60	97,814 38
Arts, Agriculture, and Statistics } Census.....	143,980 00	700 00	125,323 51	270,003 51	58,562 31
Immigration and Quarantine.....	327,210 00		40,423 56	367,633 56	318,572 87
Marine Hospitals.....	62,000 00			62,000 00	66,462 53
Pensions.....	16,314 75	36,906 54		53,221 29	56,453 84
Superannuation.....		52,480 00		52,480 00	64,442 84
Militia and Defence.....	1,000,000 00		335,131 96	1,335,131 96	977,376 27
Public Works.....	2,451,000 00		27,055 72	2,477,055 72	1,826,001 03
Ocean and River Steam Service.....	253,491 64	126,533 33	9,000 00	389,024 97	407,700 43
Light Houses and Coast Service.....	501,399 50		62,955 72	563,455 22	537,057 63
Fisheries.....	55,335 00		11,205 10	66,540 10	76,247 11
	\$6,069,457 27	\$1,341,220 24	\$649,385 79	\$8,080,063 30	\$7,065,401 71
<i>Carried over.</i>					

EXPENDITURE, 1782-74—CONSOLIDATED FUND.—Continued.

	SUPPLY BILL.	AUTHORIZED BY STATUTE.	BROUGHT FORWARD FROM 1872-3	TOTAL APPROPRIATION.	EXPENDITURE.
ORDINARY EXPENDITURE.—Continued.					
<i>Brought forward</i> .....					
Steamboat Inspection.....	\$6,089,457 27	\$1,341,220 24	\$649,385 79	\$8,080,063 30	\$7,065,401 71
Miscellaneous.....	10,850 00	.....	.....	10,850 00	10,291 58
Indian Grants.....	78,172 09	.....	42,886 23	121,008 32	102,160 20
Dominion Lands.....	88,613 00	.....	.....	88,613 00	146,068 31
Dominion Forces, Manitoba.....	250,000 00	.....	.....	250,000 00	283,163 78
Mounted Police, N. W. T.....	140,000 00	.....	.....	140,000 00	209,169 42
N. W. Territories, Organization.....	Nil	.....	.....	Nil	199,599 14
Boundary Survey, United States.....	Nil	.....	.....	Nil	12,262 41
" " Ontario.....	120,000 00	.....	.....	120,000 00	79,293 60
Military Stores.....	12,000 00	.....	12,122 40	24,122 40	2,430 00
Customs Refunds to Railways—former years.....	144,906 00	.....	.....	144,906 00	144,906 00
	Nil	.....	.....	Nil	69,330 02
	\$6,933,998 36	\$1,341,220 24	\$704,344 42	\$8,979,563 02	\$8,324,076 17
CHARGES ON REVENUE.					
Customs.....	\$602,237 00	.....	.....	\$602,237 00	\$658,299 34
Excise.....	228,300 00	.....	.....	228,300 00	206,935 28
Weights and Measures.....	.....	.....	.....	.....	.....
Culling Timber.....	78,000 00	.....	.....	78,000 00	82,886 43
Post Office.....	1,316,000 00	.....	.....	1,316,000 00	1,387,270 48
Public Works.....	2,070,645 00	.....	.....	2,070,645 00	2,389,679 72
Minor Revenues.....	10,000 00	.....	.....	10,000 00	11,371 03
	\$4,305,182 00	.....	.....	\$4,305,182 00	\$4,736,442 28

Consolidated Fund.....	\$10,255,798 30
Ordinary Expenditure.....	8,979,563 02
Charges on Revenue.....	4,305,182 00
<hr/>	
Total Amount for which authority was taken by the late Government for 1873-4.....	23,540,543 32
Actual Expenditure during that year .....	23,316,316 75
Expenditure less than estimated by the late Government.....	\$224,226 57

This shows that for Civil Government the estimate was \$570,192, and there was an addition to that authorized by statute, (not all in that year, but part of it was) of \$281,880, making the whole appropriation for that year \$852,073. For the Administration of Justice, the vote in the Estimates was \$17,000; the amount appropriated by statute was \$467,954, being a total of \$484,954. Now, of that there was expended only \$459,000. The Government expended less than the amount estimated. For Police, there was a sum in the Estimates of \$58,595; the sum actually expended was \$56,387, being \$2,207 less than the estimated expenditure. For Penitentiaries, the sum in the Estimates was \$357,525, and the sum of \$37,782 was brought forward from a former year, making the amount appropriated \$395,308, which was about the amount expended. There was only a difference of \$243. Legislation, the amount, of course, was small. The Finance Minister of that day was not responsible for it, inasmuch as there was a second Session of Parliament, and, therefore, it is an item fairly open to explanation. The Geological Survey estimate was \$64,700, to which we must add the amount authorized by statute, \$45,000, and a balance of \$1,400 from the preceding year, making a total \$111,000; of this, only \$97,000 was expended. Arts, Agriculture, and Statistics, the Supply Bill was \$143,980, and a small sum of \$700 was authorized by statute, and a sum of \$125,000 was carried forward from a former year; the amount expended was only \$58,000, being \$211,000 less than the appropriation. Immigration and Quarantine, amount estimated, \$327,210, with \$40,423 carried over from the former year, making a total of \$367,633; the sum actually expended was \$318,572, being \$49,060 less than the amount appropriated. Marine Hospitals, amount estimated, \$62,000; amount expended, \$66,462, or \$4,462 in excess of the estimate. Pensions, estimate, \$16,314, authorized by statute, \$36,906; the excess of expenditure that year was \$3,232.

Hon. Mr. MACPHERSON—What is the hon. gentleman reading from?

Hon. Mr. SCOTT—From the Estimates of Mr. Tilley, in 1873, and the Acts of

*Hon. Mr. Scott.*

Parliament, creating expenditure, passed that year.

Hon. Mr. MACPHERSON—Is that a printed return?

Hon. Mr. SCOTT—It is simply the Supply Bill with the moneys authorized by statute added to it.

Hon. Mr. MACPHERSON—The Public Accounts are the only returns I look to.

Hon. Mr. SCOTT—The hon. gentleman challenged the correctness of the statement I made, that the present Administration were not responsible to any great degree for the expenditure of that particular year, which ought to be, in my estimation, the basis on which the expenditures of subsequent years should be examined.

Hon. Mr. MACPHERSON—Surely the hon. gentleman does not mean to say this affects the matter at all. It is begging the question.

Hon. Mr. SCOTT—The hon. gentleman alleges we spent a large sum in excess of what there would have been expended if there had been no change of Government.

Hon. Mr. MACPHERSON—I did not go that far.

Hon. Mr. SCOTT—The hon. gentleman stated in the course of the debate that he was willing to give us credit for part of the expenditure of that year. I want to show in answer to my hon. friend's statements now and on former occasions, that the expenditure of 1873-74 and also the expenditure of subsequent years, was controlled by the policy of the Administration as disclosed in the Acts of Parliament passed in 1873, and in the Supply Bill of that Session. That is my point, and it is perfectly plain. I propose to show that a large amount of the expenditure referred to by my hon. friend in reference to harbors, piers and other improvements dates back to that year. A paper has been placed on our desks within the past 24 hours showing the expenditures of 1874-75 and subsequent years, which were part of the expenditures authorized by the Parliament of 1873. The expenditures were necessarily continued. Many of the items the hon. gentleman read have been going on for the last four years, that were authorized by the Parliament of 1873, and for

which votes were taken. It was not proper to stop those works after that particular vote was exhausted. If you commence a particular pier or building, you propose to go on and finish it. You make an appropriation for the coming twelve months, an amount equal to what will probably be expended in that time, but you do not propose to leave the building unroofed, or your pier in such a state that the gales may blow it over. The proposition is when the country commences an expenditure of that kind, it proposes to complete it. That is why my observations now are pertinent, inasmuch as I propose to show—and it is a necessary part of my argument—that a large amount of the expenditure, even in 1876-7 was guided and controlled by the action of the Parliament of 1873. I suppose the Government might have violently interfered and stopped the expenditure while the works were yet uncompleted, but it was not wise, or prudent, or proper to do so. After a contract is once given out, it is not usual to stop it. After money is voted by Parliament, it is the duty of the Government to go on and expend it and, if necessary, to obtain from Parliament further money to complete the work. It is for that reason I desire to show that in 1873 it was proposed to spend no less a sum than \$23,540,543. We have spent considerably over \$20,000,000 on public works since that time, yet our expenditure last year was only \$23,519,000. We have spent a large amount on the Pacific Railway.

Hon. Mr. MACPHERSON—Capital account.

Hon. Mr. SCOTT—Yes, but interest must be paid on capital. With all those allowances, if I can show we have made those large expenditures and carried out the promises made years ago to the people of this country, in reference to the improving of our canals and the construction of the Pacific Railway as far as it has gone, and that the amount taken to carry on the last year's expenditure is considerably less than the amount proposed to be expended in 1873-74, then I will have made good my point. As it is now six o'clock, and there is nothing on the paper for to-morrow, I move the adjournment of the debate.

The motion was agreed to.

Hon. Mr. Scott.

BILL INTRODUCED.

A Bill from the House of Commons intituled "An Act to revise and amend the Act incorporating the Montreal and Champlain Junction Railway Company," was read the first time.

THE HUNTER DIVORCE BILL.

REPORT OF THE COMMITTEE ADOPTED.

The Order of the Day being read for the consideration of the report of the Select Committee to whom was referred the Bill intituled: "An Act for the relief of "Hugh Hunter," together with the evidence taken before the said Committee,

Hon. Mr. AIKINS moved that the report be adopted.

The motion was agreed to on a division.

The House adjourned at 6:10 p.m.

THE SENATE.

Wednesday, March 20th.

The SPEAKER took the chair at three o'clock p.m.

After Routine proceedings.

MONTREAL HARBOR COMMISSION.

MOTION FOR RETURN.

Hon. Mr. GUÉVREMONT moved:—

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to transmit to this House, all correspondence, letters, documents, petitions, and generally all complaints and remonstrances made to the Montreal Harbor Commissioners at Montreal, against persons in their employ residing at Sorel, during the five years next preceding the first day of January last."

He said when he had made a similar motion last Session, and the matter was investigated by a committee of the House, he had hoped that the Harbor Commissioners at Montreal would have redressed the grievances of which he had complained, but, on the contrary, they had treated the matter lightly. At the first meeting of the Harbor Commissioners, after the

nomination of the committee, he saw by a report in the *Herald* that they had sneered at the Senate for permitting the investigation to take place. Alderman Donovan, one of the Commissioners, was reported in the *Herald* of May 4th, 1877, to have said:—

“He could not conceive how legislators could allow of their time being occupied by such trifling matters.”

Having witnessed himself what was going on at Sorel, he was convinced that there was good reason to complain of the conduct of certain officials of the Harbor Commissioners. It had been proved by witnesses and documents produced before the committee last Session, that to accomplish the ruin of certain employees of the Commissioners, they had not stopped at perjury. It was a well known fact that at the last criminal term at Sorel, the Grand Jury found a true bill against Colbert Polet for perjury, and a true bill against John McCarthy for subornation of perjury. The Montreal Harbor Commissioners, with certain exceptions, had treated the remonstrances of the Government with contempt, and the Government had persisted in saying they had no control over the Commission. Nevertheless, he considered it his duty to return to the charge, and place before the Senate and the Government the fact that the Harbor Commissioners had not redressed the grievances of which he had complained with such good reason. When this matter was before the committee last Session, it became evident that it was exceedingly difficult to procure important documentary evidence from the Commissioners. They refused to produce one paper, a complaint which covered eight pages of writing, of which he had a copy. It could hardly be said that the Government had no control over the Harbor Commissioners, since they nominated a majority of them. He hoped the House would agree to his motion.

Hon. Mr. PELLETIER said the hon. gentleman had brought up a motion almost the same as this last Session, and complained of the conduct of the Montreal Harbor Commissioners. The Government stated then they were very desirous these grievances should be redressed, and the matter was referred to a committee. Since then the Government had heard no further complaint until the notice

*Hon. Mr. Guévremont.*

of the hon. gentleman's motion appeared on the order paper. He (Mr. Pelletier) was not prepared to admit that the Government had as much control over the Harbor Commissioners as the hon. gentleman supposed. Though the Government nominated some of its members, they had no right to interfere with the appointment of the employés of the Commission. Nevertheless, he would assure his hon. friend that the Government would try all they could to approach the Harbor Commissioners and see if there was a possibility of stopping those abuses. Since the notice had been put on the paper he had met one of the Commissioners who informed him they were endeavoring to redress the grievances complained of. The Government did not know whether they had a right to give orders to the Harbor Commissioners, but they would do what they could to meet the wishes of the hon. gentleman. He (Mr. Pelletier) was not aware whether any correspondence had passed since last year. The motion asked for all correspondence letters, documents, petitions and generally all complaints and remonstrances made to the Montreal Harbor Commissioners at Montreal. As for those papers, if any existed, they were never in the possession of the Government, but if there were any other correspondence the return would certainly be brought down.

Hon. Mr. PENNY said that having been on the committee last year, he was bound to say that he did not think the least cause of complaint was established against the Commission. He believed the three men in whom the hon. gentleman was interested were good workmen, and he would be glad to see them employed; but they were not discharged in any proper sense of the word, though they had ceased to be employed in consequence of new arrangements, such as all employers of labor had to make from time to time. The principal change was the placing at the head of the works at Sorel, of Mr. McCarthy, a gentleman proved to be admirably qualified for the position. It had been occupied a short time by Mr. Coté before him in a sort of interim way. Mr. Coté was a very good workman, but it was judged that Mr. McCarthy, who had been a very large ship-builder there for years, was better fitted for an administrative position than Mr. Coté, who had

not been engaged in that way, and he was accordingly appointed. Mr. Coté was not discharged. His engagement expired. He thought, however, it was desirable that those men, who were good workmen, should be employed again, if possible. As to the case of perjury referred to by the hon. gentleman, anyone who would read the report, would see that although the man gave evidence on one occasion inconsistent with his deposition at another time, that nothing was established which connected the fact with the subject of the enquiry. He had not been able at the moment to put his hand on the passage; but if he remembered rightly the person was before the committee, and excused his conduct on one of the two occasions, by saying that he was drunk. It had been assumed that Mr. McCarthy was interested in employing a man who would swear against him at one time and for him at another; but that was one of those things which had not been shown to be connected with the subject of the investigation, and seemed to be enveloped in great mystery.

Hon. Mr. BELLEROSE said he had the honor to sit on the committee last Session, and heard all the evidence, and he was bound to say, although the committee had not time to complete the investigation before the prorogation of Parliament, the fact was clearly established that the complainants had been treated with injustice. He had nothing to say against Mr. McCarthy, who was, no doubt, a first-rate man for the position he held. The question was whether a wrong had been done to the man who was Mr. McCarthy's predecessor in the office. It must be admitted by every impartial man who would read the evidence that an act of injustice had been perpetrated by the Harbor Commissioners of Montreal. This was not the only despotic act of which they were guilty. It was only 24 months since that they refused to allow locomotives for the North Shore Railroad to pass over the wharves of Montreal, though it was clear that no damage would have resulted from it. It would be dangerous to give such a body powers which would place them beyond the control of the Government or of Parliament, and enable them to commit such high-handed acts with impunity. One thing was certain, the Government had not only the power, but it was their duty

*Hon. Mr. Penny.*

to appoint a majority of the Harbor Commissioners, and even in this way they could control that body. He was glad to hear from the hon. Minister of Agriculture that the Government had some doubt as to whether the Commissioners were entirely above their control. Last year they had no doubt whatever that the Commissioners were entirely beyond their control. It was evident the near approach of the elections had worked a change in the opinions of the Government, and if the hon. Minister of Agriculture could succeed in meeting the Commissioners again, it was altogether probable that justice would be done the complainants.

The motion was agreed to.

## THE PUBLIC EXPENDITURE OF THE DOMINION.

### THE DEBATE CONTINUED.

Hon. Mr. SCOTT resumed the debate on Mr. Macpherson's motion:—

“That he will call attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and will inquire of the the Government how it is proposed to restore the equilibrium between income and expenditure.”

He said:—When the House rose yesterday, I was discussing the proposed expenditure contemplated by the Government in 1873-4. My object in doing so, as I briefly explained, was that my hon. friend who has brought this motion before the House, stated on a former occasion that the figures produced in answer to the proposition submitted by him to the House last year, did not meet the case. In his observations yesterday he stated that he established last Session that the present Government is responsible for the increase in the controllable expenditure between 1873 and 1876, to the extent of \$1,800,000, and he added:—

“That, as I always admit, was necessarily an estimate, as the expenditure for which each Government is responsible, but, I believe, in forming that estimate, I was liberal and generous to the present Government liberal beyond what the said strict admitted.”

My hon. friend stated that he did not consider his argument had been met by the evidence adduced in support of the position I took last year, and which I propose to take now, that the expenditure

was shaped by the preceding Administration whose policy had committed their successors to it. In confirmation of that line of argument, I propose to establish these premises, that the Supply Bill brought down in the Spring of 1873, and in the legislation adopted that Session, the country was committed to a larger expenditure than actually took place, and the force of that argument, in my judgment, is this—that while the late Administration proposed spending \$23,540,543, the actual expenditure was less than that amount. It is the almost invariable rule that the actual expenditure exceeds the estimates, because supplemental votes are required to meet expenditures not contemplated when the estimates are brought down.

Hon. Mr. MILLER—I think the contrary was the rule prior to 1873.

Hon. Mr. SCOTT—As far as my experience of governments goes, the practice has been—there may have been exceptions—the estimates have been spent; some items may not, but others have been over-spent.

Hon. Mr. CAMPBELL—Prior to 1873 it was often a matter of complaint by members who wanted improvements made, that while items were placed in the estimates, when the year was out the money remained unexpended.

Hon. Mr. MILLER—Will my hon. friend allow me to call his attention to the following extract from Sir John Rose's Budget Speech in the Session of 1869:—

“ It will be found by reference to that statement, that in every one of the items which were voted to us last year, there is a saving in the actual expenditure, as compared with the estimate, except only the interest on the public debt, which is augmented by reason of our having borrowed half of the Intercolonial loan. \* \* \* \* The result is, that by the exercise of economy—by forbearing to undertake new works, by cutting down the expenditure wherever we could cut it down—there is a balance in favor of the year's operations of \$274,031.

These results were obtained by not expending the amount of the estimates voted by Parliament.

Hon. Mr. SCOTT—It is correct in that particular instance; I merely speak of the general rule.

Hon. Mr. MILLER—You mean the rule of your Government?

*Hon. Mr. Scott.*

Hon. Mr. READ—Do I understand the hon. gentleman to say that Mr. Tilley's estimates amounted to over \$23,000,000?

Hon. Mr. SCOTT—I propose to show that authority was taken in that Session to spend \$23,540,543. There were the regular estimates and three supplemental estimates.

Hon. Mr. READ—I find Mr. Cartwright says Mr. Tilley's estimates amounted to \$22,586,727, and that included everything.

Hon. Mr. SCOTT—I have not consulted Mr. Cartwright in the preparation of my statement. I have relied entirely on the blue books, and on the statutes passed in 1873. I propose to show that, while authority was taken to spend \$23,540,543, we expended only \$23,316,316, leaving a balance of \$224,000 unexpended. I then propose to show that in the three succeeding years, while carrying on all the great public works of the country, necessarily increasing the public debt, paying the interest upon it, opening the North-West, completing the treaties with the Indians, the Intercolonial Railway, and meeting other expenditures connected with the enlargement of the Dominion, the expenditure was only \$202,995 in excess of the amount spent in 1873-4, and less than the amount that the late Administration had taken authority to expend in that year. I have now in my hand the table before referred to, compiled from the Supply Bill, statutory authority, and amounts brought forward from 1872-3, which I read to the House yesterday.

There was no appropriation for Mounted Police that year, although the Act for raising the force was passed that Session. The amount spent was \$199,000. Now, the total amount expended in 1873-74 on Consolidated Fund account, which would be, of course, the interest, premium and charges of management of loan, was \$10,255,798. The ordinary expenditure authorized was \$8,979,563.02, the charges on revenue authorized \$4,305,182, making a total estimate of \$23,540,543. In that year the old Province of Canada (Ontario and Quebec) were credited with \$10,506,000, and in consequence of that the capital of the other provinces had to be levelled up, the total being \$13,859,079. That amount thenceforward became a charge against the Dominion—in other words, increased

the subsidies to the provinces by five per cent on that amount, which explains the item in that portion of the table known as the Consolidated Fund, which shows an increase from \$2,921,000 to \$3 752,000.

Hon. Mr. MILLER—Can my hon. friend tell me the amount placed in the estimates in 1873 for the Baie Verte Canal?

Hon. Mr. SCOTT—That is capital account.

Hon. Mr. MILLER—That is in the Estimates and amounts to \$500,000.

Hon. Mr. SCOTT—It is not part of the sum I have mentioned. It is in the estimates chargeable to capital, and does not appear in my statement. Capital account is considerably over \$10,000,000, and it would not be quite fair if I included it, since the hon. Senator from Toronto did not refer to items under that head in his speech. My statement has reference solely to what is called the annual expenditure, the only part of which affecting capital is the interest, which appears in the Consolidated Fund for 1873-4, to the amount of \$5,724,000, having been increased from the preceding year by about \$500,000 to cover Mr. Tilley's loan. If capital account were added to the estimates it would increase them to some ten or twelve millions above the sum I have mentioned.

Hon. Mr. CAMPBELL—Then there is no connection between the two tables the hon. gentleman has read.

Hon. Mr. SCOTT—I will endeavor to show the hon. gentleman that there is. I am endeavoring to explain that the expenditure of 1873-4, should be taken as the basis of comparison for the expenditure in subsequent years, because the increases since then in what is known as controllable expenditure have been due to the policy of the late Administration in 1873, which the present Government would not be justified in disturbing. Mr. Tilley, in his Budget Speech, in 1873, estimated the revenue at \$21,740,000, in round numbers, and the expenditure at \$20,826,849, which would give a surplus of \$913,151. He continued: "Of course, there will be supplementary estimates and other positions which may cover a large portion of the estimated surplus, but the Government do not feel that they are required to ask additional taxation."

Hon. Mr. Scott.

After that, the adjustment of the debts of the provinces added, for all time to come, nearly eight hundred thousand dollars to the annual expenditure, as is shown in the Public Accounts. In addition to that, was passed the Act known as Cap. 31, 1873, which provided for an increase of the salaries of Ministers, which made a difference of \$27,000. Then there was an increase in the salaries of the Lieut.-Governors and all the judges, the sessional allowances to Senators and Members of the House of Commons, and \$75,000 was voted for the re-arrangement of civil service salaries. It was a very generous and very large Act.

Hon. Mr. MILLER—You appropriated it afterwards.

Hon. Mr. SCOTT—We found it in operation.

Hon. Mr. MILLER—Didn't you set aside the distribution of the late Government and re-distribute it yourselves?

Hon. Mr. SCOTT—We only disturbed a sum of \$60,000. The following year we put in a vote for a smaller sum, and finally it dropped out altogether. Mr. Tilley contemplated an expenditure of \$10,000,000 on the Intercolonial Railway, and \$10,000,000 on canals, and remarked, with regard to the Pacific Railway, which, he proposed, should be gone on with, "I would like to take you with me in imagination ten years hence, when the great Pacific Railway would have been completed." I am sorry that this vision was not true prophesy. At the time the Budget Speech was introduced, he alluded to the debt then existing as \$82,000,000—a comparatively modest sum. Before the end of that year but a couple of months after Mr. Tilley had spoken, the net debt represented \$99,840,000, and before the following year, when the amount had not in any way been added to by the incoming Government, the net debt as it stood, on the 30th of June, 1874, was \$108,324,000, having sprung from \$82,000,000 to that amount within fourteen months. If hon. gentlemen will take the table in the Public Accounts of 1873-4, they will find the expenditure for which appropriations were made by Acts of Parliament in 1873-4 and antecedent years, and in following out the Supply Bill brought in by Mr. Tilley, the item under Consolidated Fund

—I don't think my hon. friend questions the correctness of that—he will find that it was an expenditure entirely due to the late Administration. It was simply the result of the loan, and I do not call it in question at all, and the payments to the Provinces which had been increased from the preceding year by the large sum I have mentioned. The first item under ordinary expenditure is Civil Government. The expenditure was \$883,000. This is the item which my hon. friend very correctly observed, is one more particularly under the control of the administration. If he will take the Statutes of 1873, he will find in the Supply Bill the amount under Civil Government, \$570,192. From this should be deducted the items for the Marine and Fisheries agencies, the Dominion Lands Office, Manitoba, the Public Works Department in British Columbia, and Departmental Contingency and Stationery, total \$189,000, leaving for Departmental salaries, \$381,192. The salaries actually paid for that year were \$375,609, so that there was a less sum paid than was actually voted. Hon. gentlemen know that so far as salaries are concerned, the amounts are placed in the Estimates, and are a true representation of the sums that are to be paid to the officers in the several departments. In addition to that, there was voted for the re-adjustment of salaries \$75,000, which would have made the whole amount payable for departmental salaries \$456,192; the actual payments were Salaries, \$375,609, and Bonus \$55,641, total \$431,250—being an amount less than was contemplated by the late Government of \$24,942. In order to show that that estimate is a correct one I hold in my hand a certificate signed by Mr. Langton of the salaries for July, August, September and October. For those months the salaries amounted to \$127,467 which, if multiplied by three, would give a total for the year of \$382,401. That, with the \$75,000 for bonus added, would be \$457,401 which tallies with my figures, so that whatever way you take it, estimating it on the four months which I have mentioned as a basis for the rest of the year or on the amount voted, the total of departmental salaries paid was considerably within the amount authorized during the Session of 1873. The other portions of that \$883,685 under the head of Civil

*Hon. Mr. Scott.*

Government are made up of \$202,342 salaries of His Excellency the Governor General, the Lieutenant-Governors of the provinces, Cabinet Ministers, and the Governor General's Secretary. The salaries of the Lieutenant-Governors of the Provinces were increased by the legislation of 1873 to the extent of \$10,000, and the salary of the Lieutenant-Governor of Prince Edward Island was added to the Civil List in that year. The salaries of Cabinet Ministers were also increased by the total sum of \$27,000 by the Re-adjustment Act of 1873. I do not suppose that my hon. friend would expect that the members of this Government would take less salary than their predecessors had taken. No doubt, if they had reduced it, the hon. gentlemen opposite, would have been disappointed in view of their early anticipations.

Hon. Mr. CAMPBELL—Nobody apprehended damage at that time.

Hon. Mr. SCOTT—The item of \$222,803 for contingencies and stationery is, no doubt, larger that year than it was in preceding years. The balance is made up of the ordinary small items, the total amounting to \$883,685. I think I have clearly established that so far as Civil Government is concerned the legislation of the Session of 1873 controlled the expenditure inasmuch as it was an Act of Parliament that authorized the payment of Ministers' salaries and the salaries of the employees. The Government did not expend the full amount voted by Parliament, by \$24,942. The increase in contingencies over the former year was due to a certain extent to the extra clerks in the Post Office Department, and in the Department of the Interior. Before leaving the question of Civil Government, I may as well draw attention to the fact, that the expenditure on last year was \$312,193 as compared with \$883,685 in 1873—a considerable reduction.

Hon. Mr. READ—The statement does not present it in that manner.

Hon. Mr. SCOTT—The next item is Administration of Justice. My hon. friend yesterday dwelt some length on that, inasmuch as he thought that the sympathy, or some such feeling, which he believed to exist between the Government of Ontario and the Dominion Government, ought to have been sufficient to have prevented

them from adding the Court of Appeal. The Province of Ontario, however, in regard to the Administration of Justice, is quite as independent as the Province of Nova Scotia, or any other Province, and when they find they require new courts or new judges, it is the duty of the Dominion Government to pay judges and to appoint them. I have not heard any of the profession urge that the Court of Appeal in Ontario was an uncalled for court. The demand for new judges was very great, otherwise Mr. Mowat would not have been induced to increase the number. They are not strictly judges in Appeal, but take their turn on circuit and courts of *Nisi Prius*. They were named for the double purpose of invigorating and strengthening the Court of Appeal, and also for relieving the other judges from the press of work thrown upon them. The Court of Appeal is responsible for only a part of the increased expenditure; the Supreme Court had added a considerable sum to it. The other items are made up of \$13,633 paid to Judges of the County Courts of Nova Scotia, under an Act passed either last Session or the Session before. But hon. gentlemen will remember we kept that Act in suspense for one year thinking the country did not require it.

Hon. Mr. CAMPBELL—This House kept it in suspense—not the Government,—as we defeated it here.

Hon. Mr. MILLER—It was defeated on my motion I think. The Government were defeated on it, and it is a pity they did not stay defeated on it too.

Hon. Mr. SCOTT—Possibly, but the people of Nova Scotia are the best judges in that particular, whether they require a new court or not, and if they thought so it was our duty to appoint the judges, and pay them. I maintain it is not an expenditure that can be controlled by the Government. The item of Police is the third in that list. In 1873-4 it was \$56,387, which was reduced last year to \$11,355. The next item is Penitentiaries \$395,551, in 1873-4. The amount that Mr. Tilley was authorized to spend that year was \$395,308, so that it cannot be alleged that there was an over expenditure on the part of the Government, inasmuch as provision was made for within \$250 of the expenditure, and the increase

Hon. Mr. Scott.

was due to the taking over of the St. Vincent de Paul institution, which added \$135,000. Hon. gentlemen will see there has been from that time a considerable steady reduction. In 1873-4 it was \$395,000, the amount estimated by Mr. Tilley; in 1874-5 it was \$337,000; in 1875-6 it was \$312,000, and in 1876-7 it was \$303,000, a steady diminution.

Hon. Mr. CAMPBELL—And there has been a steady diminution in the number of convicts.

Hon. Mr. SCOTT—I am sorry to say that is not the case; on the contrary, that crime is on the increase. In 1872-3, the number of convicts was 1,038; in 1873-4, it was 1,085; and in 1876-7, it was 1,561. The expenditure has gone down, and the number of convicts has largely increased.

Hon. Mr. MILLER—There was a continuous yearly expenditure in connection with the building, also, after it was taken over by the Government that is not now required.

Hon. Mr. SCOTT—That expenditure has been going down ever since.

Hon. Mr. MILLER—The first two or three years you had large expenditures in connection with the building, preparing it for the large number of convicts you intended to send to it, and that outlay, of course, is no longer required.

Hon. Mr. SCOTT—Since that Penitentiary was taken over, there has been a new one established in Manitoba, but the expenditure has been steadily going down, and I think it is largely due to the reforms introduced by the ex-Minister of Justice, Mr. Blake, who took a great deal of interest in the working and management of the Penitentiaries, which, at that time, was a branch of his department. When the question was up for discussion before, an hon. Senator behind me bore testimony to the interest which Mr. Blake had taken in this question—especially the St. Vincent de Paul institution, and the improvements he had made there. Legislation cannot be much discussed, as the expense largely depends upon members themselves what length of time is spent in a Session.

Hon. Mr. POWER—What was the difference in the amount for legislation in 1872-3 and 1873-4?

Hon. Mr. SCOTT—The difference was \$169,561, the expenditure of 1872-3 being less than that of 1873-4 by that amount.

Hon. Mr. POWER—Was not that the year in which the indemnity was increased from \$600 to \$1,000?

Hon. Mr. SCOTT—Yes, the indemnity was increased, and I suppose that was one of the causes of it. I did not quote that Act of Parliament, because I supposed every hon. gentleman was familiar with it.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—With respect to the Geological Survey, the authority taken was for an amount larger than was actually spent. The amount in the Supply Bill was \$64,700; the amount by Statute was \$45,000, and the amount brought forward from 1872-3 was \$1,407; total, \$111,107; whereas the amount actually expended was \$97,814, so that there is no foundation for the allegation that the amount spent by this department is controlled by the Administration. In Arts, Agriculture and Statistics there was a decrease in the year 1874-5, compared with 1875-76, of a small amount, and there has been an increase in the two subsequent years, which is due partly to the Vienna Exhibition and a larger part of it to the Philadelphia Exhibition. The Census is a small amount, and does not require any discussion. The item for Immigration and Quarantine is an important one, and the Minister being present himself, I will leave to him the discussion of the points raised by my hon. friend in his criticisms on the subject.

Hon. Mr. CAMPBELL—The hon. gentleman takes credit for reducing the expenditure on Penitentiaries from what it was in 1873-4, but if he will take the two preceding years, he will find that the expenditure that year was exceptional. I have looked at the preceding two years, and find that in 1871-72 it was \$205,000, and in 1872-73 \$270,000, when the late Government seemed to have anticipated an expenditure of \$395,000. In 1873-4, it was very exceptional.

Hon. Mr. SCOTT—I am not finding fault with that at all, but I am stating that it was an expenditure contemplated by the late Government. I am not endeavoring to make a point on it, any more than it was an expenditure very fairly

Hon. Mr. Scott.

chargeable to the action of the former Administration, and establishes my basis that 1873-4 is really the year which ought to be the standard for comparison with the expenditures of subsequent years. Pensions is the next item. There was a slight increase in 1873-4, and there have been increases since, the principal item being \$50,000 appropriated for the veterans of 1812. I do not suppose my hon. friend will say it was not a proper recognition of the services of the few old men living who took part in that war.

Hon. Mr. READ—I see in 1875-76 the item for pensions was \$110,000 against \$56,000 in 1873-74?

Hon. Mr. SCOTT—The ordinary pensions paid in 1873-74 were \$56,453. In the following year there was an increase in consequence of the superannuation of some judges in the Province of Quebec. Then the following year came the annual expenditure of \$50,000 to the veterans; making the total for 1875-76 to \$110,000. In 1876-77 it had increased to \$112,000 in consequence of another judge having been allowed to retire. Judges of the County Courts and of the higher courts are superannuated and it is not an expenditure which is controllable by any Administration as long as the law gives judges the right to retire on an allowance under certain conditions. I have a table here showing the number of Civil Servants who have been superannuated during the past seven years:

In 1870-71.....	52
“ 1871-72.....	70
“ 1872-73.....	39

and in the four months of the late Administration in 1873-74 the number was 28. Of the number superannuated by this Government from abolition of office—to which my hon. friend will not object—there were:

In 1874-75.....	3
“ 1875-76.....	7
“ 1876-77.....	1

Above the age of 65 there were superannuated by this Government:

In 1873-74.....	12
“ 1874-75.....	27
“ 1875-76.....	20
“ 1876-77.....	12

Superannuations under the age of 65 :

In 1873-74.....	7
“ 1874-75.....	17
“ 1875-76.....	21
“ 1876-77.....	11

Those superannuations were from some special cause, such as ill health. In the following years there were retired under that age during the late Administration:—

In 1870-71.....	10
“ 1871-72.....	9
“ 1872-73.....	11

And in the four months of 1873-4 that the late Government were in office, there were 6, so that there is not much difference in the tables, but there is in the fund. Hon. gentlemen will suppose there is a fund to meet this expenditure. The Civil Service are obliged to contribute, I think, the sum of 2 per cent. of their salaries towards this fund, and officers below a certain grade and messengers, 1½ per cent. But, during this particular Session (1873) the Government reduced their payments one-half—the payments before that being 4 per cent.—so that the original fund, which was intended, and which, no doubt, would have largely met the demands on it from year to year, was reduced by Parliament to 50 per cent., less than had been originally contemplated. I suppose, in time, this fund will cure itself, inasmuch as the payments are coming up, and, if only persons of a certain age were appointed, the fund would very soon be sufficient to sustain the demand upon it. Militia and Defence shows a diminution in 1876-7 as compared with 1873-4. The amount has been steadily reducing since then every year.

Hon. Mr. MACPHERSON—It is not worth saying anything about, unless you also say something about the inefficiency of the Militia and the intentions of the Government with respect to it.

Hon. Mr. SCOTT—The force seem to be quite as efficient as in former years, and the establishment of the Military College at Kingston, and the education of officers, it is considered, will more than compensate for the few days' drilling of large bodies of men during the summer season, which, practically, amounts to nothing, as in ten days' drill, they learn very little of modern warfare.

Hon. Mr. Scott.

Hon. Mr. KAULBACH—How many officers are there now?

Hon. Mr. SCOTT—I do not remember the number—fifty or sixty, I think.

Hon. Mr. CAMPBELL—Forty or fifty.

Hon. Mr. SCOTT—I stated with regard to Public Works, that Mr. Tilley took authority to spend, under the head of Ordinary Expenditure, \$2,450,000.

Hon. Mr. MILLER—It is \$1,180,000

Hon. Mr. SCOTT—That is the amount spent, but the amount for which authority was taken, was \$2,450,000, and he had yet unspent from the former vote, under that particular head, an item of \$27,000.

Hon. Mr. MILLER—Why not take the actual expenditure?

Hon. Mr. SCOTT—I want to prove that the present Administration did not spend more than Parliament authorized. If we had spent more than that amount, the hon. Senator from Toronto would have had good reason to complain; but I have the proof before me that we spent over \$651,000 less than was contemplated by Mr. Tilley. When \$2,450,000 was voted for the construction of harbors, piers, &c., it was our duty to go on and spend it in accordance with the wishes of the people's representatives. In some instances, in these particular appropriations, contracts had been given out by the late Administration, and it would have been manifestly improper for us to disturb that expenditure. Therefore when we spent so much less than Parliament authorized, it cannot be urged that the incoming Administration have been guilty of extravagance, or had exceeded its legitimate functions in fulfilling what had been promised to the people. In the Supply Bill of 1873-4, the gross amount of Mr. Tilley's original estimate for buildings chargeable to income, was \$2,097,500, and that amount was increased by supplementary estimates also presented by Mr. Tilley, to \$2,450,000. I will show that the works for which these appropriations were voted were carried on in subsequent years, that having been commenced they had to be continued. The total expenditure in 1874-5, was \$1,757,075, and of this amount there was \$1,116,643 expended on works for which appropriations were made in 1873, leaving

only \$640,432 for which the present Administration is responsible. In 1875-6, the total expenditure was \$1,948,941, and of this sum \$1,106,688 was expended on works commenced by the previous Administration, leaving only \$842,253 for which the present Administration was responsible that year. In 1876-7, the amount expended under this head, was \$1,262,823, and there was expended on works commenced by the late Administration, works

for which votes had been taken in 1873, \$538,525 ; leaving \$724,298 for which the present Government is responsible. The details of this expenditure are shown in a return to an order of the House of Commons for a statement showing the sums expended on Public Works chargeable to Income, during the fiscal years 1874-5, 1875-6 and 1876-7, for which votes had been obtained in the estimates of 1873-4, which I will read :

Public Work.	Supply Bill, 36 Vic., cap. 26.	Expended, 1874-5.	Expended, 1875-6.	Expended, 1876-7.	Total.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
<b>IMPROVEMENT OF RIVERS.</b>					
St. John, N. B. ....	8,000 00	10,478 28	3,332 80	55 00	13,866 08
Red River, Manitoba.....	5,000 00	200 00			200 00
St. Lawrence, chains and anchors	10,000 00	25,000 00	12,008 32	12,000 00	49,008 32
Fraser River, B. C.....	4,000 00	5,739 08	1,621 63		7,360 71
Richelieu River.....	4,000 00	21,119 96	3,988 21	4,125 87	29,234 04
Red River Route.....	198,000 00	176,659 61	88,298 72	27,118 54	292,076 87
<b>PUBLIC BUILDINGS.</b>					
London Immigration Station.....	2,000 00	1,989 34			1,989 34
Hamilton Post Office.....	9,000 00	6,173 60	1,762 35		7,935 95
Toronto Customs House.....		65,357 64	31,694 06	41,939 18	138,990 88
do Savings Bank.....	108,000 00	14,009 60	3,879 64		17,889 24
do Inland Revenue Office.....		40,579 42	149,562 41	33,196 87	223,338 70
do Examining Warehouse.....		5,933 21			5,933 21
do Post Office.....	60,000 00	5,339 10			5,339 10
Quebec do.....		69,377 60	72,704 59	18,136 34	160,218 53
Ottawa Post Office, &c.....	85,000 00	1,661 85	10,695 90	3,671 68	16,029 43
Grosse Isle Quarantine Station.....	19,000 00	7,981 73			7,981 73
Three Rivers Custom House.....	10,000 00	129,490 57	71,783 14	11,186 95	212,460 66
Montreal Post Office.....	185,000 00	78,495 30	27,243 37	4,146 31	169,884 98
St. John, N. B., Post Office.....	55,000 00	3,330 33	14,086 00	7,364 47	24,780 80
Pictou Custom House.....	10,000 00	27,503 59	40,092 49	5,057 98	72,654 06
Manitoba do.....	35,000 00	35,752 28	60,597 20	39,791 04	136,140 52
do Penitentiary.....	25,000 00	26,898 85	92,846 62	47,218 11	166,963 58
British Columbia Public Buildings	75,000 00				
<b>HARBORS AND PIERS.</b>					
Collingwood.....	35,000 00	267 51			267 51
Meaford.....	15,000 00	8,502 88			8,502 88
Inverhuron.....	6,000 00	5,093 60			5,093 60
Kincardine.....	10,000 00	3,674 61	4,668 11	10,514 56	18,857 29
Port Albert.....	6,000 00	6,000 00			6,000 00
Goderich.....	20,000 00	39,510 97	127,200 41	86,175 10	252,886 51
Port Stanley.....	7,000 00	31 64	4,732 01	3,394 31	8,158 00
Presqu'isle.....	25,000 00	15,861 68	23,403 01	8,060 41	47,325 17
Cobourg.....	9,000 00	10,292 92			10,292 92
Kingston.....	6,000 00	4,407 56	6,267 14		10,674 70
Toronto.....	5,000 00	1,019 05	2,824 97	17,075 03	20,919 05
Owen Sound.....		3,740 89	5,500 00		9,240 89
Bayfield.....		1,917 98	18,398 13	21,200 00	41,516 11
Chantry Island.....	200,000 00	61,261 64	41,624 98	36,095 12	138,981 74
Rondeau.....		30,965 08			30,965 08
Shannonville.....		2,992 94			2,992 94
Saguenay.....	6,000 00	2,065 35	4,000 00		6,065 35
Baie St. Paul.....	6,000 00	7,085 13	8,000 00		15,085 13
Bathurst, N. B.....	2,000 00	3,876 43			3,876 43
Richibucto.....	28,000 00	15,936 50	10,853 42	1,621 44	28,411 36
Dipper.....	10,000 00	11,960 72	279 00		12,239 72
St. John.....	5,000 00	12,033 70	64,335 66	65,000 00	141,369 36
Petitcodiac.....	7,000 00	1,194 00			1,194 00
Hillsboro'.....	1,500 00	1,500 00			1,500 00
Macrae's Cove.....	7,000 00	5,004 00			5,004 00
Tracadie.....	6,000 00	6,690 67		873 70	7,564 37
Liverpool.....	33,000 00	17,897 80	8,933 96		26,831 76
Mabou.....	30,000 00	2,092 25	10,084 66		12,176 91
Yarmouth.....	6,500 00	1,000 00			1,000 00
Oak Point.....	1,000 00	5,042 70	15,000 00		20,042 70
Ingonish.....	50,000 00	35,891 10	17,926 00	24,851 60	78,668 70
Porta George and William.....	3,500 00	5,000 00			5,000 00
Cow Bay.....	10,000 00	25,000 00	46,458 95	8,656 13	80,115 08
Salmon River and Plymton harbor	5,000 00	1,200 00			1,200 00
Big Pond.....	2,000 00	500 00			500 00
Maitland.....	1,000 00	1,061 69			1,061 69
<b>Total.....</b>	<b>\$ 1,471,500 00</b>	<b>1,116,643 93</b>	<b>1,106,688 01</b>	<b>538,525 74</b>	<b>2,761,857 68</b>

Hon. Mr. Scott.

So the hon. gentleman will see that for the first and second years after the incoming Administration had control of public affairs, they were, practically, merely stewards of the preceding Administration in spending money, which the policy of the Parliament in 1873 and previous years had committed them to. I am not finding fault with the propriety of doing so, but I am simply showing the amount for which this Government ought to be held responsible.

Hon. Mr. READ—Were those handsome buildings that are being erected on this hill estimated for by Mr. Tilley?

Hon. Mr. SCOTT.—No. They are constructed out of capital account. The buildings to which these figures refer are Post Offices, Custom Houses, and other buildings in the various cities, amounting in the aggregate to \$2,400,000. Hon. gentlemen will see that while we expended very considerable sums in the improvements of harbors, docks and all those kindred works, the Government is steadily diminishing the expenditure in that direction. It amounted to \$1,262,823 last year which is really less than the amount spent in 1872-73, it being \$1,597,000 that year. The next item I come to is Ocean and River Service, the expenditure on which has been nearly equal each year.

In 1871-72, it was...	\$424,000
" 1872-73 " " ...	456,000
" 1873-74 " " ....	407,000
" 1874-75 " " ....	453,000
" 1875-76 " " ...	546,000

That was due, as the hon. Senator from Toronto correctly observes, to the purchase of two steamers for lighthouse and fisheries service—the cost being \$84,997. Last year it again dropped to \$462,000 being only \$6,000 more than the expenditure of 1872-73. I think that expenditure may be accepted as a very reasonable one. The next item is Light-houses and Coast Service.

In 1872-73 it was...	\$480,000
" 1873-74 " " ...	537,000
" 1874-75 " " ...	490,000
" 1875-76 " " ...	545,000

and the next year (1876-77) it fell to \$471,000. The increases in some years were entirely due to additional lights and fog-whistles. Our great pride is to make the navigation along our coasts a safe one and to give confidence to mariners coming in.

Hon. Mr. Scott.

It is an expenditure never grudged by Parliament, and a very proper one. The next item is Fisheries.

In 1870-71 it was	\$ 97,000.
" 1871-72 " " ..	93,000.
" 1872-73 " " ..	97,000.
" 1873-74 " " ..	76,000.
" 1874-75 " " ...	66,000.
" 1875-76 " " ..	108,000.

Hon. Mr. MILLER—How is that?

Hon. Mr. SCOTT—It was owing to fish breeding establishments. The hon. gentleman at the head of that department is a great enthusiast, and believes with some justice that our rivers could be made to yield very largely by the system of breeding now established. In 1876-7 the expenditure was \$96,000. Steamboat Inspection is a small item and there is nothing very special about Miscellaneous Indian Grants, the expenditure was considerably in excess of the estimate. The explanation is that it was an under-estimate. The money was paid, I think, to the Indians at the North West Angle. I assume that at the time the vote was taken it was impossible to arrive at the number of Indians entitled to compensation. This item has been steadily going up, and this year I fancy, it will be larger than ever before, but as we have completed treaties with all the Indians east of the Rocky Mountains, the item will not vary so much in future years.

Hon. Mr. AIKINS—Have treaties been made with all the Indians in the North-West?

Hon. Mr. SCOTT—I understand so, all the way to the Rocky Mountains. At all events, the great body of the Indians have been settled with. Dominion Lands, there has been a steady decrease since 1873-4. Last year it was only \$90,000, being less than in any year since 1871. The surveys have been practically stopped, and it is not intended that more lands shall be surveyed except where settlement seems to gravitate. Dominion Forces in Manitoba, the expenditure in 1873-4 was \$209,000, and was somewhat in excess of the estimate of that year. The items that caused that excess were payment of troops going over the Dawson Road, barracks at Winnipeg, which were built that year, and the settlement with the Hudson's Bay Company, for the buildings occupied by the troops there. Mounted

Police in the North-West, the expenditure was \$199,599. No estimate whatever was taken for that, although the Act authorizing the organization of the Force, was passed that Session. Whether the Government contemplated taking it out of the Militia vote or not, I cannot say. The preservation of peace in the North-West Territories, and our ability to settle with the Indians and make the country habitable are entirely due to the exclusion of liquor dealers who infested that region before the organization of our Mounted Police. Hon. gentlemen will remember that a body of American traders came in there, fortified themselves in various places and committed murders wholesale. Over thirty Indians were murdered in one night at the Cypress Hills. In consequence of no government being established there, all prisoners had to be taken to Winnipeg for trial. The result was an increased cost for criminal justice by \$13,000. Boundary Surveys is an item which requires no comment. It disappeared last year. The item Military Stores was an unusual one and was provided for in Mr. Tilley's Estimates to take over military stores at Quebec. It is not a charge which can be fairly attributable to this Administration. That makes the Ordinary Expenditure of that year \$8,324,076.17. Now, I have shown that Mr. Tilley took authority to spend under Ordinary Expenditure \$8,979,563.02 between his Supply Bill, the items of which I have read, the statutory authorities which I have mentioned, and the amounts which he brought forward from 1872-73. For that reason I say 1873-74 is a year that properly forms a standard year in discussing the expenditure, inasmuch as we did not over-expend the amounts Parliament authorized the Government to expend for the particular purposes to which I have adverted. The next class of items to which we come is Charges on Revenue. The first and most important is the Customs. The expenditures were :

In 1872-3 .....	\$567,765
In 1873-4 .....	658,299
In 1874-5 .....	682,673
In 1875-6 .....	721,008
In 1876-7 .....	721,604

The increase in 1873-4 was due to the addition of about \$120,000 to the salaries of the officers of the Customs Department.

Hon. Mr. Scott.

The new Government declined to recognize the Order-in-Council, but, subsequently, a portion was allowed to be paid. I think there was a reduction, however, of about \$30,000. I may say in subsequent months or years, a part of that was allowed to go, but not all. The largest portion of the increase in 1874-5 and the following year is due to reforms that were introduced by the present Minister of Customs, and, more particularly, in that branch of the collection of the public revenue which is incidental to bonded warehouses. The system in force antecedent to that, was, that any supernumerary in the office, take, for instance, the port of Montreal, could open the warehouse from time to time, as goods were required from it. The consequence was, a large amount of goods was purloined, and, in many instances, a substitution of other goods was made, by which the revenue was very largely defrauded. Mr. Dunscombe, the collector at Quebec, called the attention of the Government to particular cases in which the revenue had actually suffered, and I will now read a portion of a letter written by him to the Commissioner of Customs at Ottawa, on the 16th November, 1875 :—

\* \* \* \* \*

“ In the summer of 1868, the Minister of Finance, Mr. Rose, came down to Quebec to see me on the subject of Revenue Collections, and at the request of the Government I visited the ports of Halifax and St. John, and reported to the hon. Mr. Tilley the Minister of Customs, that I found everything disorganized, and an ab-neg-ance of all system,—that the public revenue was not safe—and that the state of things reflected discredit on the Government, particularly on the department which he was the chief, and urgently recommended that an experienced officer should be sent to both ports, to introduce method and to instruct the officers in the performance of their duties.”

“ The Government considering that the collections of Revenue still continued in an unsatisfactory state, in February 1870, in consequence of grave irregularities and heavy losses having occurred at the port of Montreal, I was appointed a Commissioner to enquire into the manner in which the Bonded Warehouses in that port were managed. I reported that there were frequent irregularities, and some to a large extent in permitting goods to go out of warehouse without the payment of duty, and recommended that the several officers charged with the superintendence of the Bonded Warehouses at the Port of Montreal should be immediately instructed in the performance of their duties, in the landing, examination, warehousing, and

“custody of goods, and—that they should be required to do their duty. Unfortunately, no action was taken by the department, at that time, in carrying out the recommendation to remedy matters, which were allowed to remain in *status quo*.”

“Last year the Minister of Customs caused the Inspectors of Ports to assemble at Ottawa, and I was requested to meet them. There were many subjects, particularly the custody of goods in warehouse brought under the consideration of the meeting, by the Commissioner of Customs; and after a full discussion of matters a report was submitted to the hon. Mr. Burpee, who then went through all the several points with the Inspectors of Ports. The Minister also instructed me to visit all the chief warehousing ports and to afford such advice and suggestions as he thought my long experience might enable me to give to the officers, and this summer instructions for officers of Her Majesty's Customs of the Dominion of Canada, approved by the Governor-General in Council, have been issued which if faithfully carried out will secure the Revenue against a recurrence of such losses, and protect the merchants in honest and fair dealings—thus finally, a moral obligation and most important duty has been fulfilled by the Department to the Service.”

Attached to Mr. Dunscombe's letter was a statement detailing a number of instances in which frauds had been committed, and a loose system had prevailed, causing loss to the Public Exchequer.

Hon. Mr. MILLER—That letter could not have affected the increase in 1875-76.

Hon. Mr. SCOTT—The increase came in 1873-74 over 1872-73.

Hon. Mr. MILLER—How could Mr. Dunscombe's statements affect the increased expenditure of 1875-76?

Hon. Mr. SCOTT—The increases have been going on.

Hon. Mr. MILLER—It might account for the next year but not for that.

Hon. Mr. SCOTT—I have in my hand the details of the increased expenditure of 1873-74 over 1872-73. It amounts in round numbers to \$60,000. Of this, \$7,300, was due to the admission of Prince Edward Island into the Confederation; \$3,400, to the arranging of salaries of custom house officers in British Columbia; \$1,000, for a similar purpose in Manitoba. There was a considerable sum required for the change of cartage system. Before that the merchants had to pay 25 cents per package for cartage; the change of system involved a charge on the Revenue.

Hon. Mr. Scott.

Hon. Mr. CAMPBELL—I see no reason why the merchants should not pay their own cartage.

Hon. Mr. SCOTT—Under the new system lockers are given charge of particular bonded warehouses. Before that, the supernumeraries were not responsible, and there were large leakages. The change of system involved \$10,000, and the change in cartage, for which there was some good reason, involved a sum of \$3,400 more.

Hon. Mr. MACPHERSON—Why was not the same system introduced in other ports as well as in Montreal?

Hon. Mr. SCOTT—I am not aware whether it exists in other ports or not. The system of lockage exists, I think, at all other ports now. Montreal is specially mentioned because the expenditure there is very much in excess of any other port, and it is referred to by way of illustration. As hon. gentlemen know, there are other regulations of a very much more stringent character as to the entry of goods, owing to the representations of manufacturers, that goods were coming into this country at rates named in invoices below their real value. They contended it was not fair, and experts were employed, which increased the expenditure. By this means goods were entered at a fair value, and the slaughtering, as it was called, of American goods in our markets was checked. Of course the more guards you surround the revenue with, the more expensive it will be. It is perfectly clear that, as the country grows, and as more ports are formed for the convenience of the people, there is a continual demand for the establishment of bonded warehouses at various points, so that it is exceedingly difficult to keep down that particular expenditure.

Hon. Mr. WILMOT—You do not get any more revenue by it.

Hon. Mr. SCOTT—No, unfortunately.

Hon. Mr. WILMOT—If you have greater restrictions against smuggling there ought to be increased revenue.

Hon. Mr. CAMPBELL—As a matter of fact have there been any more ports opened within the last two years?

Hon. Mr. SCOTT—Yes, there have been.

Hon. Mr. CAMPBELL—Very few.

Hon. Mr. SCOTT—I think there has been one at Pembroke within the last two years. The next item is Excise. It has not changed much. It was more in 1873-4 than it was the preceding year. It did not exceed, however, the appropriation. In the Supply Bill in that year, the item for Excise was \$228,300. The amount actually spent was \$206,000, so that the money voted by Parliament was not all spent. The salaries that it was contemplated to increase that year the Government did not carry out. Some of them have since been increased as the officers had shown themselves to be worthy of it. Culling timber is not an item that needs any particular mention. An item respecting the Adulteration of Food appears for the first time in the Estimates for 1875-76 and 1876-77, I think the law has only been put in force in two places. There has been a gentleman named in Montreal and one in Toronto to analyse adulterated food. As far as I can learn the result has been very satisfactory. The report brought down by the Minister of Inland Revenue shows there has been considerable adulteration of food in the larger cities, but I do not believe myself that adulteration extends very much throughout the country, at all events not to the extent that prevails in Great Britain.

Hon. Mr. CAMPBELL—What is the name of the officer at Toronto?

Hon. Mr. SCOTT—I do not remember, I think Mr. Edwards is the name of the one in Montreal.

Hon. Mr. RYAN—I am afraid Edwards is not the one.

Hon. Mr. SCOTT—He is the one who has been appointed, and you will see by the report that he has been acting, and in his report he shows the principal articles which he found adulterated in Montreal are spices, coffee, sugar and milk. The next item is the Post Office. There the amount expended in 1873-4 was \$1,387,000, and that has been increased to \$1,520,000 in 1874-5; and each subsequent year an increase is shown. As the hon. gentleman has observed, it is an expenditure somewhat difficult to control, in consequence of the applications from new railways for mails over new routes, and new offices. No doubt the carrying of mails by rail is much more speedy and

more convenient than by any other means. New arrangements were also made in the offices in cities and towns, by which the postmasters are paid a fixed salary instead of a percentage, as previously. Another change that involved a considerable expenditure was the system introduced by the former Postmaster-General, Mr. D. A. Macdonald, by which publishers were allowed to send newspapers by gross weight—a system that, no doubt, has been attended with loss of revenue. Another item of increase was caused by the free delivery of mails in towns and cities, which is a great benefit to the public, but it entails great expense on the department.

Hon. Mr. MACPHERSON — That will not account for the increase of 1877 over 1876.

Hon. Mr. SCOTT—That is about \$80,000. One of the items in that amount is \$22,000 payment to the Intercolonial Railway, which is, of course, a mere credit and debtor account. The Intercolonial gets credit for the work it does in that way for the Government, and no doubt it is a department that will continue to increase. I think the proportion for expenditure in that department in Canada and the United States is about the same as compared with population and receipts, and it is conceded that the facilities granted by the Post Office Department are in excess of those of most countries. I see in the press of the United States that they admit there is a more satisfactory system in Canada, particularly in the arrangement for carrying seeds and small parcels, which has been found a great convenience. I will now, before proceeding further, give my hon. friend the information he asked for yesterday in reference to the item of Suspense Account. The item to which he called attention was \$343,591. He will find by referring to the charges against the Pacific Railway it was paid for out of the Pacific Railway fund at first. There are two items but they are practically the same item, because my hon. friend at two different times called attention to the Suspense Account of \$343,591, and another of \$572,144, Pacific Railway. The explanation is this: At page 58, part III, of the Public Accounts he will find under the heading of "Renewals" an entry \$543,591 for part of

Hon. Mr. Scott.

the rails which were transferred from the Pacific Railway to the Intercolonial Railway, and in order that the charge might not appear against one particular year and thus increase unduly the expense of that particular year, it was proposed to divide it so as to spread it over three years. He will find that the sum of \$200,000 is charged out of that item in a particular year, leaving a balance in Suspense Account of \$343,591. The item appears in the Pacific Railway Account and it also appears in that form in the Intercolonial Railway Account.

Hon. Mr. MACPHERSON—But the two amounts do not correspond.

Hon. Mr. SCOTT—The subject was up before the Committee on Public Accounts, and an explanation was made which, no doubt was considered satisfactory. I will read a letter from Mr. Tims of the Finance Department, with regard to this subject:—

“OTTAWA, 20 March, 1878.”

“*The Intercolonial Railway Rails Accounts,*”

“The value of the Rails, &c. transferred from the Pacific Stock, shewn as a deduction from expenditure on that amount in Public Accounts of last fiscal year. Page 239, part II, amounted to \$572,144.19.

“The Intercolonial Suspense Account includes the whole of that amount, as well as the value of other rails handed over by the construction Department upon the completion of the Intercolonial.

“The Suspense Account has further been charged with the labor and expenses incurred in relaying the line, and credited with the value of old material taken out of the track from month to month.

“The net outlay for renewals last fiscal year therefore amounted to \$543,591.68, as shewn by Public Accounts. Part III, page 58

“A statement of the rails transferred from the Pacific Stock, was submitted to the Public Accounts Committee on Saturday last. The details of the Suspense Account are very voluminous, and can only be obtained from the Railway Department at Moncton.

“(Signed,) THOMAS D. TIMS,  
“Finance Inspector.”

Hon. Mr. MACPHERSON—Why was not the whole of the amount charged against revenue?

Hon. Mr. SCOTT—Because as I have already stated, it was thought better that it should not be all charged against one year. It is not an uncommon occurrence. It seems to have been done by the officers

*Hon. Mr. Scott.*

in the ordinary course of business as the usual way, in this particular case. I do not know how it is in regard to kindred works, or whether it is peculiar to this or whether it existed before. I am merely giving my hon. friend the explanation, as it would seem from the suspicious way in which he adverted to it that there was some misrepresentation.

Hon. Mr. MACPHERSON—So there is. It is still an improper entry. It ought not to be in Suspense Account.

Hon. Mr. SCOTT—It is a matter of opinion as to how the accounts ought to be kept.

Hon. Mr. BROWN—It is merely a book entry.

Hon. Mr. SCOTT—There would be some force in my hon. friend's criticism if Suspense Account was kept out altogether.

Hon. Mr. MACPHERSON—Suspense Account ought to be out altogether.

Hon. Mr. SCOTT—The whole amount was entered. The hon. gentleman had no difficulty in finding it.

Hon. Mr. MACPHERSON—It ought to have been charged against Consolidated Revenue Fund.

Hon. Mr. CAMPBELL—It makes the Government appear to be that much more wealthy than they are.

Hon. Mr. SCOTT—That, of course, is a mere matter of opinion.

Hon. Mr. READ—Are we to understand that those rails are not laid, and will not be laid for two or three years?

Hon. Mr. SCOTT—The labor upon them is charged. I have no doubt the item has been thoroughly analyzed in the Public Accounts Committee, but there is this on the face of it, that the Public Accounts show the facts as they existed at the time. It may be an unwise or improper way of keeping the account, and the hon. gentleman may have his own particular views on that, but there has been no concealment. It cannot be urged that there is any attempt to deceive the public. Anyone turning up the account will find \$200,000 charged

in that particular account, and will find above it the item of \$343,591.

Hon. Mr. CAMPBELL—If a private person kept his accounts in that manner he would seem to be two or three hundred thousand dollars more wealthy than he really was.

Hon. Mr. MACPHERSON—I did not state yesterday there was any concealment, or that it was withheld from the Public Accounts; what I complained of was that the item was put in Suspense Account instead of being charged against the Consolidated Revenue Fund, and thereby the deficit of the country was understated by that amount.

Hon. Mr. SCOTT—I am not in a position to state whether the rails are laid or whether they are still to be laid. If they are laid there will be some force in what the hon. gentleman has stated. The rails were a part of the 10,000 tons purchased for the Pacific Railway.

Hon. Mr. MACPHERSON—Does not the hon. gentleman know that if they were bought for the Pacific Railway they are charged to the Capital Account of the Pacific Railway, and if they were sold to the Intercolonial they would be charged against Intercolonial Railway Revenue, and the Capital Account of the Pacific Railway would be credited with so much.

Hon. Mr. CAMPBELL—It makes Revenue Account appear better by that amount.

Hon. Mr. AIKINS—The difficulty about this is, we could not understand it without the explanations.

Hon. Mr. SCOTT—I am not now discussing whether it is not the usual course adopted in such cases, but there is no deception about it.

Hon. Mr. MACPHERSON—There is deception about it.

Hon. Mr. SCOTT moved the adjournment of the debate until to-morrow.

Motion agreed to.

### THIRD READINGS.

The following bills were read a third time and passed without debate:—

Bill (D.) "An Act for the relief of Hugh Hunter."

Hon. Mr. Scott.

Bill (A.) "An Act for the relief of George Frothingham Johnston."

Bill (F.) "An Act respecting the Montreal and City of Ottawa Junction Railway Company."

### MONTREAL AND CHAMPLAIN JUNCTION RAILWAY COMPANY'S BILL.

#### FIRST READING.

Hon. Mr. FERRIER moved the first reading of Bill (28) "An Act to revive and amend the Act incorporating the Montreal & Champlain Junction Railway Company." He said the object of the Company was to construct the twelve miles of road from St. Isidore.

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

The House adjourned at 6:15 p. m.

### THE SENATE.

Monday, March 21st.

The SPEAKER took the chair at three o'clock p. m.

After Routine proceedings.

### PUBLIC EXPENDITURE OF THE DOMINION.

#### THE DEBATE CONTINUED.

Hon. Mr. SCOTT—Hon. gentlemen, when by the practice of the House I was allowed to adjourn the debate yesterday afternoon, I had come to that item which we had been discussing under the head of Public Works, Charges on Revenue, and I propose to be as brief as possible in the concluding observations I have to address to this House, as I can quite appreciate that to many hon. Senators it must be very dull and dry work discussing a question involving so many figures. The item of Public Works in the year 1873-74, under the head of Charges on Revenue, was \$2,589,678. Last year I went into a careful analysis of how it was made up.

Intercolonial Railway....	\$1,847,000
Canals, Booms, and Salaries of Canal Officers.....	511,759
Telegraphs B. Columbia..	29,000
"    P. E. Island...	973
P. E. Island Railway....	750
	\$2,389,482

It is true the item of \$511,759 was somewhat higher than it had been the previous year. I went into an elaborate explanation to show that that was due to new appointments that had been made on the canals from July to November, increase of salaries of others, repairs on the Welland Canal &c. The chief item is the management of the Government Railways and the cost of the renewals amounting,

In 1873-4	to	\$1,847,175
" 1874-5	"	1,581,934
" 1875-6	"	1,497,128
" 1876-7	"	1,890,268

The increase in 1876-7 was entirely attributable to the Intercolonial Railway, but it was partially represented by the item which we discussed yesterday.

Hon. Mr. MACPHERSON—No, that item is not in it.

Hon. Mr. SCOTT—Two hundred thousand dollars of it is.

Hon. Mr. MACPHERSON—Not \$200,000 of the item I called attention to, which was over \$343,000.

Hon. Mr. SCOTT—It was charged to Suspense Account, the balance only being charged against the Intercolonial Railway, as the whole amount would have unduly swelled that account for that year instead of spreading it over a period of two or three years as was contemplated.

Hon. Mr. READ—I think there is a good reason for charging only a portion of it.

Hon. Mr. SCOTT—That, at all events, explains the abnormal rise in the item for railways from 1874-5 to 1875-6. In salaries and contingencies there was no increase. In 1874-5 the amount under that head was \$426,000 in round numbers. Before I proceed further, I should like to correct a statement which I made yesterday. In going over the Supply Bill of 1873-4, I quoted as I read the items the amounts carried over from the previous year, and they were added in

*Hon. Mr. Scott.*

to my general statement. In adding up those figures, I did not give the added up figures in the column under the head "Balance carried forward." The Supply Bill was \$6,933,998; the amount authorized by statute, was \$1,341,220, and the balance carried forward was \$704,344, which make up the totals that I gave. The total of ordinary expenditure would be those three added together, \$8,979,563. The principal item in the amount brought forward was Militia Department, \$335,000, and I assumed that that would cover the cost of the Mounted Police, as there was no appropriation taken for the Mounted Police that year, and I assumed that it would be taken out of the Militia vote, as it was somewhat germane to it. Otherwise the vote for Militia would have been much larger than it was for that year. What I endeavored to prove yesterday was, that Parliament had voted during that Session an amount considerably in excess of what was really expended, the whole amount being \$23,540,543, and we expended \$23,316,316; that the largest item under the head of "Ordinary Expenditure" was Public Works chargeable to Income, properly made up of railways, harbors, piers, docks, public buildings, and therefore it cannot be argued that there was no intention of carrying out that particular vote of Parliament, inasmuch as it is unusual to ask for votes for works of that kind in which the people outside are so interested, if it is not contemplated to go on and spend the money. As I showed yesterday, a very considerable amount of the works had been in progress the year of the resignation of the late Government; tenders had been called for, contracts had been given out, and the work had actually been commenced, and in some cases considerably advanced. I shall now enter on that branch of the subject to which my hon. friend has particularly called attention. That is where he pointed out that in the two whole years for which this Government would be properly responsible, there was an increased expenditure over that of 1873-4. My answer was that the public works inaugurated in 1873-4, had largely controlled the expenditure of 1874-5 and 1875-6. The amount of money expended in those two years was on works for which votes were obtained in 1873, and hon. gentlemen

will see that the amount of works initiated by the present Administration, in 1874-5 and 1875-6, was less than what had been inaugurated during the preceding year. Those works were, no doubt, very proper in themselves, and very useful to the public. I am not criticising that expenditure, only to establish 1873-4 as the basis on which the expenditure of subsequent years should be calculated, that being the last year which the late Administration controlled the finances of the country. Now, coming down to 1875-6, where the expenses of that year exceeded those of 1874-5, it was in particular items which it would not have been wise or proper for the Government to reduce. First, is the Administration of Justice. I fully explained yesterday, that that item was not controllable. There is just the single exception that it would have been possible for us not to have established the Supreme Court. That court, as hon. gentlemen are aware, had been promised at Confederation; it had been mentioned in two successive speeches from the Throne, and the people had a right to expect that the time would be no longer postponed when that court would be brought into existence. I am not going to discuss the question as to whether it has been of great value to the country or not; it has been discussed in another place by a gentleman who takes a great interest in it, and it was admitted that our Supreme Court had been a great saving to the people of this country. Many parties were entirely debarred from appeals from our own courts—more particularly in the Province of Quebec—in consequence of the enormous expense entailed in carrying cases across to the Judicial Committee of the Privy Council.

Hon. Mr. AIKINS—But those who have no interest in those suits now have to bear the expense.

Hon. Mr. SCOTT—The same rule would apply to all our courts. There have been instances in which parties had to abandon their cases because they were unable to meet the costs of carrying their suits before the Judicial Committee. The next item is Legislation. I do not think the Government are entirely responsible for that increase. The sessions of Parliament were very prolific in reports and papers that had been called for by members, and

*Hon. Mr. Scott.*

the expense is not one for which the Government can be directly held accountable. In Arts, Agriculture, and Statistics the increase was \$55,000, which is entirely explained by the Philadelphia Exhibition, and I think no hon. gentleman is prepared to condemn that expenditure—at least I did not hear a voice raised against it when the vote was taken for it. The next item in excess of that of 1873-4 was Immigration and Quarantine, \$83,000. The increased expenditure that year is due to the Mennonite Loan, \$57,670, which will be returned to us, and for which we have security. Then there is \$38,761, the amount for transport of Mennonites, which cannot appear again, but for which no asset can be claimed other than the value of the people as settlers in the country. In Pensions, the increase was \$46,500. That was paid to the veterans of the war of 1812, and I have not heard the propriety of that expenditure questioned. Superannuations show an increase of \$24,329. That is an item, I am quite aware, which is open to criticism, but if there is an analysis made of the cases, it will be found that the instances of superannuation were in all cases those by which the public service was specially benefited; where there were officers who were not equal to the discharge of their duty, and they were practically a tax upon the people to maintain them. This item is represented by a credit side by the amount of the Civil Service Superannuation Fund maintained by annual contributions from the salaries of the members of the service. The increase in Public Works, 1875-6, chargeable to income, amounted to \$191,000. That is an item representing the expenditure on harbours, piers, docks, &c. The increase in Ocean and River Service, \$93,000, is due to the two steamers which were purchased at a total cost of \$84,997. The increase in Light Houses and Coast Service, was \$55,000. This was expended for additional lights and fog whistles, and I do not think it calls for any particular comment, as I think our energies should be taxed to an extreme point in order to make our coast safe for the shipping trade that our country boasts of. The next increase is in the item for Fisheries, the increase being \$41,000. This is entirely attributable to the extension of our fish breeding establishments for the re-stocking

of our rivers with salmon. Up to the present time the scheme has been attended with very great success. The Indian Grants in 1875-6 exceeded those of the previous year by \$80,000. That is an item also which will remain unchallenged. It is a necessity with any Administration that the Indian title over the broad extent of the North-West should be extinguished, and, as I explained yesterday, it is now practically all extinguished on the east side of the Rocky Mountains with the exception of a few wandering tribes. A commission had been appointed two years ago to endeavor to remove the Indian grievance in British Columbia, but up to the present time it has not been attended with very marked success, otherwise than the Indians have withheld from any open violence, although it has been threatened on several occasions.

Hon. Mr. MILLER—Is there any truth in the report in to-day's papers with regard to Indians troubles in the North-West?

Hon. Mr. SCOTT—The Government have been informed from Battleford, the centre of the North-West, that the half breeds are discontented in consequence of the instructions given to the officers in charge of the Mounted Police at Fort Walsh and Fort McLeod, to enforce the law for the preservation of the buffalo. There is a small detachment stationed a short distance from Sitting Bull's camp with instructions to communicate the movements of the band to the Government. The nearest telegraph station from Fort Walsh and Fort McLeod is Helena, in Montana Territory, and it requires about a week to communicate with those places. My own impression is, there is no foundation for the alarm, as the Mounted Police are on the best of terms with the Blackfeet and the Sioux. I do not think Sitting Bull could have formed any alliance with the Blackfeet or the other Indians, for the Mounted Police would have at once become aware of it, and would have communicated it to the Government. So far as the Blackfeet are concerned, I think it is highly improbable, as they have been for the last three years, pressing upon the Government the necessity for having a treaty. They had given notice of their intention to refuse any further progress with the construction of tele-

*Hon. Mr. Scott.*

graphs or railways unless they were treated with. As hon. gentlemen are aware, a treaty was concluded last year with the Blackfeet, by Lieut.-Governor Laird, and the tribes are satisfied, as the terms with them are equally liberal with those made with other tribes during the last four years. We were practically in their country two or three years before any treaty was made with them, but we were allowed to establish our forts at the Bow River and Cyprus Hills, without any treaty further than a promise that a treaty would be made. It was made last year; the Blackfeet expressed themselves satisfied, and therefore I do not think it at all probable that an alliance can have been made between them and the Sioux. When the Sioux crossed the border, it is a matter of notoriety that the Blackfeet asked permission to attack them, and if it had been allowed they would have kept them off Canadian territory, as they owed the Sioux an old grudge. The Blackfeet are a very numerous tribe, and although the Sioux have been re-inforced by wandering bands from the United States and by the Nez Percés, still there can be no alliance between our friendly Indians and the Sioux, and I am not disposed on the whole to credit the report in the newspapers.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. SCOTT—I have sent messages to Fort Walsh and Fort McLeod to ascertain whether there is any foundation for the rumor, but as the officers have been charged to notify the Government at once of any movement on the part of the Indians, and no despatch has been received from them, it is highly improbable that there is any truth in the rumors published. When the few white settlers are informed by half-breeds that the Indians are likely to move down on them, you can quite understand the alarm that would prevail. Coming back to the subject which we were discussing a few moments ago, I find the next item which appears in the increases of the year 1875-6, is under the head of Dominion Lands. That is entirely due to the surveys in laying out townships in the North-West. That item, as hon. gentlemen will see, is considerably diminished during the last year. It has dropped down from

1872-3 .....	\$237,000
1873-4 .....	283,000
1874-5 .....	185,000
1875-6 .....	212,000
1876-7 .....	90,000

We have now land enough surveyed for an incoming population to do for the next few years at all events. The next item of increase is the Mounted Police, \$35,000. That is entirely due to arrears of payments for former years. When the Mounted Police were sent up there first, there was very great difficulty in furnishing supplies, and it was only within the last year that the accounts from the Hudson Bay Company, and other parties who furnished supplies to the force during their hasty march across the prairies to the Rocky Mountains, came in. It was a very expensive expedition, but the results have been very good. They took no stores of provisions beyond their immediate requirements with them, and they had to depend very largely on the traders and other sources for supplies. The force are now on a better footing, and, under the present system, unless some untoward circumstances arise, they can be maintained for one thousand dollars a year per man. From this out, the force will cost about \$300,000 a year. At the present time it consists of 320 men rank and file. The contracts for the provisioning of the force for the last year have been made on a very moderate basis. I may mention as an illustration that a contract was signed the other day for the supply of beef for the force for the present year, delivered butchered, at 4 cents per pound, which is cheaper than it could be obtained in any other part of the Dominion. It is an illustration of the superior character of the country for grazing purposes when beef can be delivered butchered, at Fort McLeod and Fort Walsh for 4cts per pound, every day in the year. Beef cattle are never housed there, and they are quite as good in the month of March after feeding out all winter, as they are at any other time of the year.

Hon. Mr. READ—I know a gentleman who fed 500 head there last year and he said he never gave them anything to eat all winter, and they were in good condition in the spring.  
*Hon. Mr. Scott.*

Hon. Mr. MACPHERSON—What was the price paid for beef last year?

Hon. Mr. SCOTT—I think it was six or seven cents last year.

Hon. Mr. MACPHERSON—I think it was more than that.

Hon. Mr. SCOTT—Two of the leading firms of the west, Baker & Co. and Power & Co., tendered for the supplies, and as there was only a difference of \$1,200 between them the Government awarded the contract to Baker & Co., who were the contractors the previous year, and whose tender was the lowest for 1878-9.

Hon. Mr. MACPHERSON—I have been informed that the Government could have had the supply delivered at 4 or 5cts a pound less than they paid.

Hon. Mr. SCOTT—I had the administration of the force and I did not feel myself justified in departing from the terms that had been made with Baker & Co., the year before. At that time there was only one other firm that could have supplied all that was required, and there was a danger of a ring being formed to put up the prices.

Hon. Mr. MACPHERSON—The man who made the lowest tender of all last year did not get the contract, although he was informed that his tender was the lowest, and he brought his cattle down.

Hon. Mr. SCOTT—He did not tender until after the contract had been given out.

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. MACPHERSON—The facts were these. A man named Demers tendered in Ottawa last winter for supplying the beef required by the force. He received an assurance from the Minister that his tender would be accepted. It was not formally accepted by an Order-in-Council, but he went away with the assurance that it would be accepted. Having been told that the Purveyor in Manitoba would be communicated with and informed that his tender had been accepted, he brought down his cattle to Winnipeg when he was informed by the Purveyor that another tender 5 or 6 cents per pound higher had been accepted instead of his.

Hon. Mr. SCOTT—So far as the Mounted Police supplies are concerned, Demers had no assurance from me, nor

any inducement held out to him that his tender would be accepted. He made no proposition for supplying the Mounted Police at Fort Walsh and Fort McLeod, but he made a proposition for supplying beef in other places.

Hon. Mr. MACPHERSON—He made a tender for supplying beef in Manitoba.

Hon. Mr. SCOTT—But the Mounted Police are not for Manitoba.

Hon. Mr. CAMPBELL—For some supplies you were willing to give 4 or 5 cents per pound more than other parties were willing to give them for.

Hon. Mr. SCOTT—I fancy you could not get supplies of beef in Manitoba for any such price as 4 cents per pound. The prices of beef are very much cheaper in the part of the country we are now discussing than in any other part of the North-West, including Kansas. I have been told by a gentleman who has had much experience in Kansas that the Cypress Hills country is a much better country for cattle than Kansas.

Hon. Mr. MACPHERSON—The Government might have had supplies of 600 or 700 cattle at 5 or 6 cents per pound less than they paid for them.

Hon. Mr. SCOTT—The hon. gentleman must have been misinformed.

Hon. Mr. MACPHERSON—I had it from Demers himself.

Hon. Mr. SCOTT—The Government took the lowest price they could consistently accept without risk. It was necessary that we should make our contract with parties who were able to fulfil it, as there is no possibility of reaching a contractor for damages in that country.

Hon. Mr. PELLETIER—I saw Mr. Demers myself in Winnipeg last fall, and he admitted that the facts were these: He had made a tender to the Indian Department. In answer to the tender he was asked if he could furnish such an amount of meat at a certain season. The Indian Department received no answer to that telegram, and, seeing that it was getting late in the season, the Department, not being assured that the amount could be furnished, were obliged to accept a higher tender. Demers explained it to me, and complained that he had lost a good deal by it.

*Hon. Mr. Scott.*

Hon. Mr. CAMPBELL—What was the difference between the prices paid and the prices he asked?

Hon. Mr. PELLETIER—I could not say, but when he brought down his cattle the contract had been given out before the Government got his answer.

Hon. Mr. MACPHERSON—But the Government not only set his contract aside for what they required early in the season, but set aside his tender for what was required throughout the entire season down to the month of October. They didn't wait to hear from him.

Hon. Mr. PELLETIER—They did not consider it wise to divide the contract.

Hon. Mr. SCOTT—Demers' tender was for supplies for the Indians in Manitoba, and not for the Mounted Police Force. I know I endeavored to get these supplies at the lowest possible price.

Hon. Mr. BROWN called attention to the exceeding inconvenience of these constant interruptions from members on the opposite side of the House, and the interjection of questions of this kind, on which the hon. gentlemen of the Treasury Benches could not be expected to have the information asked for at the moment without previous notice.

Hon. Mr. SCOTT—I take no exception to any interruptions of this kind. I am quite prepared to answer any questions on which I have the required information. The hon. gentleman (Mr. Macpherson) was calling attention to supplies for Indians. I was talking about supplies for the Mounted Police in another part of the country.

Hon. Mr. MACPHERSON—Surely what the hon. gentleman said about the supplies justified me in mentioning the information I was in possession of to the House. I did not spring it on the House and had no intention of alluding to it. I had forgotten the man's name for the moment, but what was said by the hon. Secretary of State recalled it.

Hon. Mr. MILLER—On this side of the House, I am sure there is a great deal of appreciation felt for the hon. Secretary of State allowing questions to be interjected in order to elicit information. In such a discussion as this when the hon. gentleman is dealing with a statement containing such a vast amount of figures.

it is the easiest way of getting at the facts, because it is impossible to remember the whole ground he goes over and it is important that some misunderstandings be corrected at particular parts of the discussion. If the hon. Secretary of State had himself complained I am sure no hon. gentleman on this side of the House would have undertaken to press them upon him but, as he has stated that he has no objection to the interjection of these questions, there was no necessity for the emphatic protest of the hon. gentleman from Toronto (Mr. Brown.)

Hon. Mr. SCOTT—I do not think the prices that prevailed at Manitoba for beef are material to prices at Fort McLeod—at the former place they are very much higher. My impression is that at Carleton last year cattle cost, live weight, 9cts per pound.

Hon. Mr. GIRARD—Do you refer to buffalo meat or domestic meat?

Hon. Mr. SCOTT—We do not buy buffalo meat.

Hon. Mr. GIRARD—Buffalo meat is not the worst meat by any means.

Hon. Mr. SCOTT—I am told there are plenty of buffalo out where the Police are. I do not know whether it is an exaggeration or not. The next item I come to where there has been an excess of expenditure in 1875-76 over 1874-75 is the Boundary Survey, \$12,000; this was not an expenditure controllable by this Government. It was entirely under Imperial control and the cost of defining the International boundary is borne equally between Canada and the United States. The next item where there has been an increase is the Settler's Relief Loan Manitoba, \$83,000. This was a grant for seed grain, and hon. gentlemen opposite who come from that province know whether it was a profitable investment or not. I think if we are willing to take it back bushel for bushel in grain we are likely to have it returned, from the excellent reports we have heard of the wheat crops last season. No doubt it will be repaid, if not in value, at least in bulk.

Hon. Mr. MILLER—Do they intend to take bushel for bushel?

Hon. Mr. GIRARD—It was a loan, and I wish to ask the hon. Secretary of State if that loan is to be treated as an

ordinary loan, or if we will be permitted to render bushel for bushel? I know it is the expectation of the people there, and I will take advantage of this opportunity to elicit an answer from the Government.

Hon. Mr. SCOTT—My hon. friend is quite aware that when the loan was given to the people who were in such abject circumstances at the time, the understanding was that it was to be repaid in money. Subsequently a proposition was made to have it repaid in grain. That proposition was not acceded to and I am not in a position to answer off-handed what the intention of the Government is in relation to it. As the yield has been so very large in that country I think it should be paid in cash, or at least two bushels for one. The price of wheat at the time the seed was advanced was \$1.50 to \$2.00 per bushel, and now it can be obtained for 60 cents. There was also, in addition to the cost of the wheat, the cost of distribution, and I am not in a position to say whether the repayment will be taken in kind or not. The next item where there has been an increase is in Customs, which is represented by the sum of \$38,000. The House will not ask me to go into any further explanation on this item than that given yesterday, that the charges on Customs are largely due to the increased supervision, more particularly in the Port of Montreal. and changes in the system of cartage, the bonded warehouse system, and similar additional guarantees for the protection of the Revenue. The next item is Excise; \$19,000 of an increase, which is due to the increased necessity for revision. The next item of increase is under the head of Weights and Measures, \$29,816 over that of 1874-5. The whole expenditure was \$99,785. The receipts will not be equal to the fees charged, more particularly as the fees charged in some instances are excessive and a reduction will be necessary. The next item of increase in this comparative statement, is the sum of \$101,966 for the Post Office Department. That is due also to the causes which I explained yesterday to the House. The last item, Public Works, there was a diminution in, and it calls for no particular comment. My hon. friend's contention was that the Government had expended \$770,000 in 1875-6 over 1874-5. Now the total amount of the items I have gone over together would amount to considerably over

Hon. Mr. Scott.

a million of dollars, and I think it may fairly challenge criticism, and the House will agree with me, that it would not have been possible, in view of carrying on the public service efficiently, to have saved the amount that he alleges to have been expended in excess in 1875-6, over 1874-5. I have given the House all the items, and it will be for hon. gentlemen to say what particular one the Government would have been justified in striking out, rather than they should not exceed the expenditure of former years. The hon. Senator in the course of his observations called attention to the expenditure in the North-West Territories, and, amongst other things, referred to the expenditure at Battleford. My explanation in answer to that is that if we are to populate that country; if we are to introduce law and order into that territory, we must have some primitive form of Government, and we have made the expenditure connected with it the smallest possible consistent with the dignity of this country, and producing just the necessary machinery that was called for in so primitive a condition of things that the North-West presents to-day. It was impossible for the Government at Winnipeg to administer the affairs of a country so distant. Battleford is nearly 800 miles from Winnipeg without any facilities of communication and weeks, sometimes months elapse before communication can be had between those two points. In view of the construction of the railway, and in view of the settlements going in there now.

Hon. Mr. MACPHERSON — What population is there about Battleford?

Hon. Mr. SCOTT—In the immediate vicinity of Battleford there is not much population, but it is a point convenient to other lines that converge there. Some point had to be selected, and it was thought better to select that than Carleton which was out of the way of the Pacific Railway.

Hon. Mr. GIRARD—There is no person at Battleford except Hon. Mr. Laird and his family and some hunters and trappers. There is no fixed population.

Hon. Mr. SCOTT—It is very hard to tell where settlement will gravitate in that country and no man can foresee where the most attractive points in the North-West really are. I quite admit

*Hon. Mr. Scott.*

that it is impossible to foreshadow the particular section of the North-West that is going to be most densely populated in the next ten years.

Hon. Mr. MACPHERSON—Why was Fort Pelly abandoned after expending a large amount of money for public buildings there and establishing the seat of Government at that point?

Hon. Mr. SCOTT—Because it was found not to be adapted for the purpose. It was badly selected in the first place and it was considered injudicious to expend any more money there.

Hon. Mr. MACPHERSON—Is there not the same danger with respect to Battleford?

Hon. Mr. SCOTT—No, we hope not.

Hon. Mr. CAMPBELL—Who selected Fort Pelly?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. MACPHERSON—The Government I suppose.

Hon. Mr. SCOTT—The Ministers have not had the opportunity of migratory travel through that country, and are obliged to take information second-hand. I now come to the contingencies. I have run over the contingencies for some years, and I think I shall be able to show the House that for the last two years there has been a manifest improvement. I will give the figures since 1869:

1869-70 .....	\$165,931
1870-71 .....	153,293
1871-72 .....	153,238
1872-73 .....	179,611
1873-74 .....	222,808
1874-75 .....	208,707
1875-76 .....	172,548
1876-77 .....	157,479

So that they are practically lower now than they have been in any year since 1871-72, at which time they were \$153,000. My hon. friend will at least concede that this is a very decided and marked improvement. He also went into an analysis of the telegraph account.

Hon. Mr. MACPHERSON—They were more in 1875 than in 1873.

Hon. Mr. SCOTT—My hon. friend singled out the Customs Department, and spoke about its large expenditure. Now, I think the hon. gentleman who is at the

head of that Department is as careful, economical, and prudent in the expenditures under his control as any gentleman I know of, and, if it is looked into, it will be conceded that he must have given the subject his personal attention. The hon. Senator seems to have been very much startled at the telegraphic account of the Customs Department in 1874-5. Now, it appears to have been \$6,277 that year, which is a larger amount than was expended in the preceding year. The cause is this: It was the quarter immediately following that on which the tariff was changed, and the cost of telegraphing the tariff over the country, and holding the wires during the budget speech was \$3,500 for the two days. It is quite probable that the large item in 1868 was attributable to a similar cause. As hon. gentleman will readily understand, the service over the Dominion is much larger now than it was in 1868, and the contingencies of all the departments have necessarily increased yearly, yet the Minister of Customs absolutely kept the contingencies of his department lower than they were in 1868.

Hon. Mr. MACPHERSON—Will the hon. gentleman give us the tariff of charges for telegraphic messages during the two periods.

Hon. Mr. SCOTT—I do not know it.

Hon. Mr. MACPHERSON—I think you will find they were nearly double in 1868 what they are at present.

Hon. Mr. PENNY—I think it was 25 cents a message before 1868.

Hon. Mr. MACPHERSON—It was not down to 25 cents until after the Dominion Telegraph Company was established.

Hon. Mr. SCOTT—The Dominion Telegraph Company appears in these accounts—it was then the People's Line, I think—for the first time in 1871 or 1872. By the accounts the Montreal Telegraph Company appears to have done all the business before that. In any way you look at the item there has been a very considerable reduction in telegraphing expenses of the Customs Department. I now come to the telegraphing generally of all the Departments. I find the amount charged in

Hon. Mr. Scott.

1872-3 .....	\$24,521
1873-4 .....	20,491
1874-5 .....	38,506
1875-6 .....	18,994
1876-7 .....	15,256

In 1874-5 the Mounted Police were under the Administration of Justice, and the telegraphing expenses amounted to \$2,954.

Hon. Mr. MACPHERSON—All the Departments increased that year. The Finance Department increased fifty per cent.

Hon. Mr. SCOTT—In 1875-6 the telegraph account was only one-half of the previous year. It fell to \$18,994. No doubt the explanation is this, that the attention of the Government must have been called to the item being large, and all round there were reductions made the following year. Last year it fell to \$15,000, an amount which is less than it has been for very many years. Here I may explain that the cost of telegraphing, as the years go on, has not been reduced, because since the introduction of British Columbia into the Dominion the rate for telegraphing to that Province has been very large. The cost of telegraphing to Manitoba and the North-West Territories has also been very large, especially in communicating with the Mounted Police. The rate is seventeen cents a word to Fort Benton; besides the cost of sending a special messenger from there to the Police posts. The rate to Fort Garry is thirteen cents a word, and the cost to Battleford is in excess of that, as the contractors have the use of the line and charge very high rates for messages.

Hon. Mr. CAMPBELL—Do the contractors charge the Government for messages also?

Hon. Mr. SCOTT—Yes; the rate to British Columbia is \$2.50 for ten words, and seventeen cents for each word in addition. So that, since 1873-74, the cost of communicating with all those points has been a very serious additional charge above the ordinary telegraphing that existed previously in the narrower limits of the Dominion.

Hon. Mr. GIRARD—As the hon. Minister has given us permission to put questions, I will enquire, in reference

to telegraphing, if the Government has taken any measures to have an arrangement made with the American Company that has control of the telegraph line in the Province of Manitoba, in order to get lower rates? At the present time it is quite a charge on Manitoba to be obliged to pay twenty-five cents a word for telegraphic messages. I think it is in the power of the Government to have the matter arranged with the Government of the United States in the same way as the postal service was arranged, in order to secure for the people of Manitoba as cheap telegraphy as other parts of the Dominion. At the present time, in consequence of the high rates, it is impossible for the people in general to use the telegraph, and it can only be availed of by the Government and by merchants.

Hon. Mr. SCOTT—I should be very much gratified if I could give my hon. friend the assurance that any such thing were possible, but he must know that the telegraph system west of Lake Superior is not under the control of the Government of the United States; it is the Western Union Telegraph Company that has control of the line. They look at it from an entirely commercial point of view, and they assure us that they give the Government lower rates than their usual tariff. My impression was that it was thirteen cents a word—we pay thirteen cents. So long as the line is unfinished on Canadian territory, I have very little hope of the American Company coming down in their rates. They may offer to telegraph for one particular house, or for the Government, in the possibility of getting a larger number of messages by giving a reduced rate, but it would be perfectly absurd for us to appeal to a private company to make a reduction in their rates for messages going to and from Manitoba. The postal arrangements of the United States are under the control of the United States Government, and in making postal arrangements with them a few years ago, by which they allowed our mails to go through their territory, and we allowed their mails to go through ours, we were enabled also to make an arrangement for an uniform postal rate. But it would be quite impossible to expect a private company like the Western Union Telegraph Company to

*Hon. Mr. Scott.*

concede any privilege of the kind. No doubt as long as they can enjoy the monopoly they will avail themselves of any advantage that flows from it. The hon. Senator took occasion to make some observations in reference to Hon. Mr. Blake's speech at Teeswater, and he drew the conclusion from the speech that the ex-Minister of Justice had misled "the good men of Bruce." Now, I have read the speech, and I think it is perfectly plain that the only interpretation that can be put upon the comparison that Mr. Blake was so drawing, is that he was gauging the salaries of the regular staff of the Department, and excluding his own and that of the preceding Minister of Justice (Sir John Macdonald.) Had he taken the other course it would still have made a difference of \$1,000, inasmuch as the previous Minister of Justice had \$1,000 more than Mr. Blake as Premier. Mr. Blake was drawing a comparison as between the regular pay of the staff, apart from the Minister, and the figures that he quotes there prove that, as the Minister's salary alone would have absorbed two-thirds of the whole amount.

Hon. Mr. MACPHERSON—Mr. Blake spoke of the salaries, and could be only understood as speaking of all the salaries.

Hon. Mr. SCOTT—The Minister is not spoken of as part of the staff; he is only the temporary head. The staff are those who belong to the Civil Service.

Hon. Mr. CAMPBELL—The true question, I think, is what meaning he conveyed to the people to whom he spoke. They would naturally suppose that he spoke of the whole expenses of the department.

Hon. Mr. SCOTT—I will quote his words, and let hon. gentlemen judge for themselves. "The staff had been increased in 1873, and, in November of that year, at the resignation of the late Government, the annual rate of charge for salaries, including bonuses and a charge on contingencies, was \$13,500." Now, surely he would not convey such a poor compliment to the men of Bruce, as to suppose that they did not know that did not include his own salary.

Hon. Mr. MACPHERSON—How were they to know the difference?

Hon. Mr. SCOTT—He was not part of the staff; he was the head of the department, and no ordinary mind could interpret his words to convey the idea his own salary was included.

Hon. Mr. MACPHERSON—I maintain any public audience in this Dominion would have drawn the conclusion that when the Minister spoke of the expenses of his department he included his own salary.

Hon. Mr. SCOTT—Hon. senators can put their own construction on the language used, and it will be for fair men to say whether it conveys any misrepresentation. Mr. Blake continued, "Several changes subsequently took place, and the rate of charge when I took office in May, 1875, was \$15,750. I was, as I have said, unable to make a reduction in salaries during the first year." He would not have been making a reduction in his own salary.

Hon. Mr. MACPHERSON—He did not do so.

Hon. Mr. POWER—What was the salary of the previous Ministers of Justice, prior to 1873-4?

Hon. Mr. SCOTT—If Mr. Blake had chosen to include the salary of Sir John Macdonald, it would have shown a greater disproportion, inasmuch as it would have been \$1,000 more, the Minister of Justice being then Premier. It is evidence to me that Mr. Blake was extremely cautious in his utterances to confine his observations only to the staff. It would not have been fair to have charged the Department of Justice, as such, with the \$1,000 which the Minister of Justice drew as Premier, any more than it would be now to charge it to the Department of Public Works, as such. It belongs to the office of Premier.

Hon. Mr. PENNY—We are told we should take exactly what is in the Public Accounts: that is in the Public Accounts.

Hon. Mr. MACPHERSON—But when the hon. gentleman was contrasting his own management of the Department of Justice with that of Sir John Macdonald, it would have been but candid to have stated that Sir John had the same salary as himself for only a few months, and up to that time had received only \$5,000 per annum. That would have been but fair.

Hon. Mr. Scott.

Hon. Mr. SCOTT—I am now taking up the unfair criticism which I think my hon. friend made in reference to the speech of Mr. Blake, in which he charged the late Minister of Justice with deceiving the good people of Bruce.

Hon. Mr. MACPHERSON—That is the effect of it.

Hon. Mr. SCOTT—Mr. Blake used the word "staff" in his remarks. He said, "In June last, when I left the office, the rate charged for salaries was 'only \$10,750.' It would be preposterous to suppose that the people who were listening to him would think his salary was included in that.

Hon. Mr. MACPHERSON—How were they to know the difference? The Public Accounts are not distributed throughout the country.

Hon. Mr. SCOTT—I have more faith in the intelligence of the men of Bruce. They read the newspapers and they were not in any way deceived. It was only my hon. friend who drew that particular conclusion from it which I was extremely sorry to hear. I think the men of Bruce quite understood the subject; they were equal to the effort. The hon. Senator adverted to the deficit, which, no doubt, is not a very attractive subject, and which I do not propose to discuss on the present occasion further than to show that the reversion which has fallen on the prosperity of Canada was in no sense due to the Administration of the day, that whatever Government happened at the moment to control the destinies of the country was not master of the commercial crisis which prevailed all over the world, a crisis which affected the oldest countries in Europe, and injured us less than, probably, any other country. Our distress was not owing in any way to any inherent lack of resources on our part, but to the inability of foreigners to buy our products. I require no further illustration than to point out that the lumber trade, one of the greatest industries in our country, dropped down in the way it did, bringing ruin and disaster on those engaged in it and losses on our commercial institutions. That trade fell off simply because the Americans were unable to buy; and so one might go on and illustrate in some other industries. Something was due, perhaps, to the compara-

tive failure of crops in this country, but the causes which produced the depression were causes which I say, advisedly, no Administration could have prevented. It is, of course, a long subject, and it would not be proper to introduce it in this debate, but my hon. friend alluded to it. The Government did not feel it was a time to shut down and stop the public works of this country. They did not think it was proper to cease to employ labor all over this country, and advertise to the world that Canada was not able to rise in a prosperous manner from the momentary depression which fell upon the country. On the contrary, our public credit never for one hour went down, and we were able to carry on the important public works of this country. We were enabled to go on with the Pacific Railway, the canals, the opening up of the North-West; to make treaties with the Indians, and to expend on important public works nearly \$30,000,000. We were enabled to do that and still maintain the credit of the country, notwithstanding the unfortunate depression which existed. It is true the Government might have refused to go on with expenditures on public works chargeable to income, but I think that would have been unwise. Depression visited Canada in former years, as it has other countries, and deficits have occurred in Canada as they have elsewhere. Our deficits, I hope, are only temporary, and I believe the time is not far distant when we will be able to show a better balance sheet. But in order that hon. gentlemen may see that deficits are not new in this country, let us go back to 1858.

Hon. Mr. MILLER—Oh, oh!

Hon. Mr. SCOTT—That was before Canada was burdened with the outside provinces.

Hon. Mr. MILLER—You were bankrupt before you got them.

Hon. Mr. SCOTT—My hon. friend must have seen from the smile on my face I was speaking derisively, as he will understand when he hears me out. Many people supposed that Ontario and Quebec would be richer if left to themselves. I never shared that belief or gave expression to one sentiment that would lead to it. I always had great faith in bringing in all the British North American Colonies from the Atlantic to the Pacific, and I

*Hon. Mr. Scott.*

was speaking derisively of those who urged that Canada would be richer if left alone. In 1858 the revenue was \$5,276,000; expenditure, \$8,645,000, a deficit of \$3,375,000 in one year. We are not now constrained, as we were then, to pay eight per cent. for our money. We are getting our money for less than half of what we were paying then, and our deficit is a bagatelle compared with that. The deficit in 1858 was nearly one-half of the whole expenditure.

Hon. Mr. MACPHERSON—What was the rate of duty then?

Hon. Mr. SCOTT—I have no doubt the very best efforts were made to correct this, as the hon. gentleman who leads the party who have got the national policy on their banner, was at that time at the head of affairs, and, therefore, it was for him to inaugurate a policy to relieve the country from the depression.

Hon. Mr. READ—He was then a freetrader.

Hon. Mr. SCOTT—The following year the Revenue was \$6,597,000, and the expenditure still kept on. They had better faith in the destiny of Canada then than they seem to have now. The expenditure was \$8,091,000, leaving a deficit of over \$1,500,000 that year. In the following year the revenue showed signs of improvement, just as the third year of the present depression is also showing signs of improvement, and ours, I hope, will be greater than theirs. The revenue in 1860 was \$7,436,585, while the expenditure, strange to say, still went on, like a snowball, enlarging as it rolled, and amounted to \$9,410,000. The hon. senator's friends were then in power.

Hon. Mr. PENNY—Was the hon. gentleman a Senator then?

Hon. Mr. MACPHERSON—I was not.

Hon. Mr. SCOTT—In 1861 the expenditure was \$9,542,934. It still kept up. The people had faith in the future of this great country, and did not believe that when a wave of depression was rolling over the Dominion was the proper time to practice the small economies. In 1862 the revenue was \$7,377,000, but still the expenditure went on, reaching \$9,441,000, leaving a deficit of over \$2,000,000, that year.

Hon. Mr. READ—Perhaps the hon. gentleman will tell us who was in power then?

Hon. Mr. SCOTT—Sir John Macdonald.

Hon. Mr. CAMPBELL—It was Sandfield Macdonald.

Hon. Mr. READ—I was elected in 1862, and Sandfield Macdonald was then in power.

Hon. Mr. SCOTT—My hon. friend is right. Sandfield Macdonald came into power in March, 1862, and then there was a general election in 1863. In 1863 the deficit went down to \$870,000, and immediately afterwards it disappeared only to re-appear in the last two years. It is for hon. gentlemen who have drawn attention to it to apply the legitimate conclusion—when Sandfield Macdonald came in the deficit immediately disappeared.

Hon. Mr. CAMPBELL—No, it was when he went out.

Hon. Mr. WILMOT—It disappeared after the Maritime Provinces came in.

Hon. Mr. SCOTT—It disappeared at Confederation. I think I have successfully proved that 1873-74 was a year that may fairly be taken as a basis for the expenditure of subsequent years, which was controlled by the legislation of the Session of 1873. I challenge the hon. Senator, or any other hon. gentleman to show one instance in which it would have been wise or prudent in the interests of this country to have checked that expenditure and in that way to have prevented a deficit. I have shown that during that period, notwithstanding the great depression in trade which, no doubt, is a very embarrassing element for the Administration to deal with, this Government has been enabled to expend a sum of \$30,000,000, on capital account, to pay its annually recurring liabilities, exchanging six per cent bonds for four per cent bonds, to spend \$2,761,857, on works chargeable to income and still, in the last year the annual expenditure has been only \$202,985 in excess of the expenditure of 1873-74. Now, I think that one fact ought to establish all the premises on which I started; and on which I was basing my argument. If we had applied the pruning knife in the manner suggested by my hon. friend, we would

Hon. Mr. Scott.

not have been able to effect loans on the favorable terms we did.

Hon. Mr. MACPHERSON—What was the rate?

Hon. Mr. SCOTT—My hon. friend knows that the debentures are four per cent.

Hon. Mr. MACPHERSON—The hon. gentleman surely does not say that the country only pays four per cent.

Hon. Mr. SCOTT—I did not say that.

Hon. Mr. MACPHERSON—How much would it be?

Hon. Mr. SCOTT—About 4 $\frac{1}{2}$ .

Hon. Mr. MACPHERSON—Nearer 4 $\frac{6}{10}$ .

Hon. Mr. SCOTT—It is somewhere over four per cent.

Hon. Mr. MACPHERSON—It is nearer five.

Hon. Mr. SCOTT—At all events, it is a considerable reduction on the rate of interest of former years. I think the conclusions prove my case. There are, of course, many other points of detail, to which I could have called attention, but I think I owe the House an apology for addressing them at such length.

Hon. Mr. MACPHERSON—Not at all.

Hon. Mr. SCOTT—I was glad to have the monotony of figures relieved by the questions put to me. I think the deductions I have drawn are substantially correct, and fully borne out by the facts I have given.

Hon. Mr. MACPHERSON—The hon. Secretary of State has forgotten to answer my question—how it is proposed to restore the equilibrium between income and expenditure?

Hon. Mr. SCOTT—By the hope of better days.

Hon. Mr. MACPHERSON—No policy?

Hon. Mr. SCOTT—The Government do not recognize the deficit as so serious that it should involve any change. At present it is not contemplated to make any changes in our fiscal policy.

Hon. Mr. MACPHERSON—The hon. Secretary of State promised that the hon.

Minister of Agriculture would explain the expenditures for Immigration.

Hon. Mr. PELLETIER—In the course of his remarks the hon. Senator from Toronto who made this motion, kindly invited me to explain to the House the extraordinary expenditure of the Immigration Department. He passed in review all the Departments of the Government, and alleged that in all of them there was mismanagement, extraordinary expenditure and in some cases absolute waste of money. The Department of Immigration specially attracted his attention. I am rather inclined to think the most extraordinary part of it is, not the expenditure of the department but the statement of the hon. gentleman. I am not surprised that he came to such a conclusion when I see the basis of his calculations. To show that the hon. Senator in this, as in many other instances, miscalculated the figures, I beg to refer hon. gentlemen to the Public Accounts since 1873-74, and I shall be obliged to quote the statement in his pamphlet. He states that while the immigration has been decreasing the expenditure for the service has been increasing. I think I will be able to show that this statement was to say the least entirely erroneous. The hon. gentleman says in the year 1875 the expenditure was \$302,770, and that all immigrants cost the country \$18.90 *per capita*. Now, this is entirely inaccurate. The \$302,770 comprises quarantine expenses, which the hon. gentleman puts down at \$13,768. In the first place, this last amount is not correct, it representing only the amount expended on quarantine at Grosse Isie, while the whole expenditure on quarantine for that year was \$24,998, the items being all published in the Public Accounts. The hon. gentleman represents the amount he erroneously gives for quarantine, as if it was in addition to the sum of \$302,770, when it is already comprised in that sum. While he has undertaken to separate the quarantine items, he has not deducted them from those for immigration, but has taken the combined service on which to calculate the *per capita* cost of immigrants. The figures, as given in his pamphlet, leave the impression that quarantine items are additional to immigration. But it may be stated that quarantine is deducted from immigration, although the two services are mixed to-

Hon. Mr. Scott.

gether in the Public Accounts. Quarantine is incidental to trade and travel, and would be necessary even if there were no immigration. Besides this item for quarantine, we must deduct refunds from the provinces, published in the Public Accounts under the head of Receipts, as Casual Revenue, being repayments for advances made by the Department of Agriculture, for transport and share of expenses of the London office, by the Provinces of Ontario and Quebec. In 1875, the amount so refunded to the Dominion was \$30,094. This amount, and the quarantine item deducted from the expenses of the department, would leave \$247,680, and this was the net expenditure for the fiscal year as represented by the Public Accounts, which makes instead of \$18.90 *per capita*, only \$9.04 on the immigrants who came to Canada in 1875.

Hon. Gentlemen—Hear, hear.

Hon. Mr. PELLETIER—In 1876, the whole amount stated by the hon. gentleman as the expenditure for Immigration for the fiscal year, was \$385,847, and besides \$12,233 for quarantine. This also is incorrect, the amount expended for quarantine having been \$23,975 for that year, these items being published in the Public Accounts. There are, however, further deductions to be made to arrive at the net ordinary immigration expenditure. There was a specially heavy expenditure on account of the Mennonites in that year, amounting to \$97,731, partly in loan, and partly for transport, which should be deducted fairly to appreciate the ordinary immigration expenditure of that year, and, still further, a deduction for refunds amounting to \$16,417 by the Provinces of Ontario and Quebec, for advances made to them for transport and their share of the expenses of the London Office. These several deductions would leave a net expenditure of \$247,724, and this on immigrants who arrived in Canada during the year, would give a *per capita* expense of \$9.65 instead of \$26.65, as calculated by my hon. friend.

Hon. Gentlemen—Hear, hear.

Hon. Mr. PELLETIER—But even from this amount we should fairly deduct \$25,514, expended in purchasing the Dufferin building at Pembina. This is not an ordinary expenditure for Immi-

gration, and should be placed to Capital Account.

Hon. Mr. MACPHERSON—To the Suspense Account.

Hon. Mr. PELLETIER—I mention this to show how erroneous the hon. gentleman's calculations are. The hon. gentleman is mistaken when he says the number of immigrants have decreased, while the expenditure has increased. It is quite the reverse. In 1877, the total number of immigrants who arrived in Canada was 27,082, at a gross expense of \$284,065 for the calendar year.

Hon. Mr. MACPHERSON—I was particular in stating I only referred to the number entering by the St. Lawrence, and that number was 7,743.

Hon. Mr. PELLETIER—The hon. gentleman is not even there correct. The number of immigrants to Canada by the St. Lawrence was less than 7,743. Those figures represent the total number of immigrants and also passengers for the Western States, many of whom had through tickets to points outside of Canada, and did not stop in Canada at all. The hon. gentleman will find in the Report of the Department of Agriculture, that the number of immigrants who came by the St. Lawrence was 4,201.

Hon. Mr. MACPHERSON—So much the worse. That represents the number for whom this expenditure was made.

Hon. Mr. PELLETIER—The hon. Senator is quite mistaken. That is the number of those who came by the St. Lawrence, but 930 came by way of Halifax, 141 by St. John, N. B., besides, 1,513 via Portland, and the arrivals by the Suspension Bridge, and other routes. At page 18 of the Report of the Department of Agriculture, the hon. gentleman will see that the total arrivals of immigrants at all ports was 27,082.

Hon. Mr. MACPHERSON—That includes those from the United States.

Hon. Mr. PELLETIER—That is the number that came to settle in Canada that year. The total amount of the expenditure by the Department of Agriculture for the calendar year 1877, was \$284,065. From this should be deducted \$42,285, refunded by the provinces, that is, \$21,239 under the head of Receipts, in the

Hon. Mr. Pelletier

Public Accounts, and \$21,046 as refunds for immigration, not deducted in the Report of the Department—and the loan to the Icelanders, \$30,717, for which, as in the case of the loan to the Mennonites, we hold ample security.

Hon. Mr. MACPHERSON—I have deducted that loan.

Hon. Mr. PELLETIER—No; and deducting those two items we have \$110,670, as the net expenditure in that year, which would make the *per capita* only \$4.08.

Hon. Gentlemen—Hear, hear.

Hon. Mr. PELLETIER—The hon. Senator's statement of the number of immigrants arriving each year is, as I have said, incorrect. The immigrants and net expenditure for the calendar years were :

In 1875—	27,382,	costing net	\$241,600
1876—	25,633	“	228,077
1877—	27,082	“	110,670

I should here call the attention of the House to the fact that the Report of the Department and the figures given in them are for the calendar years, that being found most convenient in dealing with immigration, it being difficult to divide one season's immigration, putting half in one calendar year and half in another. This should be borne in mind in considering the last figures, as I, in the first, answered the hon. gentleman on his own ground, namely, the figures of expenditure for the fiscal year as they appear in the Public Accounts; or to recapitulate, and take the Public Accounts figures with the deductions I have explained, the statement of immigration and expenditure would stand thus :—

In 1875—	27,382	costing net	\$248,334
1876—	25,633	“	247,680

Taking a number of years in the aggregate, the two modes of accounting will coincide, while there may happen to be considerable differences between any two halves. Now, the House will perceive that, instead of a decreasing immigration and increasing expenditure, the facts prove the very reverse. The arrivals have increased in 1877 over the year 1876, and the expenses have steadily diminished from year to year since 1873. The hon. gentleman charged the agents of the department with having discouraged immigration. I had often heard the charge

that there was extravagance in the department, but this is the first time I have heard the agents accused of being anti-immigration agents.

Hon. Mr. MACPHERSON—I have no doubt the agents are acting in accordance with their instructions.

Hon. Mr. PELLETIER—It is the first time I have heard that they are not doing their duty in the interest of immigration. The hon. gentleman seems to think that immigration to Canada is decreasing more than in any other country.

Hon. Mr. MACPHERSON—I did not say that. All that I said was it was decreasing absolutely to Canada. I made no comparison with any other country.

Hon. Mr. PELLETIER—The hon. gentleman will see that it is due to decreased immigration from European countries. It has decreased from the United Kingdom since 1873, as shown by the following statement :—

In 1873.....	310,612
1874.....	241,040
1875.....	173,809
1876.....	138,222

To show that this decrease in arrivals here, is not due to neglect of duty on the part of the agents we employ, I will read a statement showing the number of immigrants into the United States since 1873. It is as follows :—

In 1873.....	459,804
1874.....	313,339
1875.....	228,498
1876.....	169,886
1877.....	141,857

That shows clearly that the decrease is due to the general diminished emigration from Europe. I think I have shown conclusively that the hon. gentleman's calculations are made on a wrong basis, and that they are entirely erroneous. I may state that last year the gross expenditure of the calendar year was diminished to the extent of \$100,393 as compared with the year 1876, while there was an increase of 1,449 in the number of immigrants; and from these gross figures a further deduction should be made, as I have shown, of \$42,285, for refunds, besides the advances of \$30,717 to the Icelanders, to be repaid. If we compare the net expenditure, after deductions are made, we have for

Hon. Mr. Pelletier.

1876, \$228,077, and for 1877, \$110,677, being a net decrease of \$117,407, on the immigration expenditure proper for those calendar years. I leave to the House now, to judge if is fair to make such statements as those made by hon. gentlemen.

Hon. Mr. MACPHERSON—The hon. gentleman is correct in saying the quarantine items should be deducted, and I am under the impression I did so.

Hon. Mr. PELLETIER—We made particular calculations in the department, and in the gross amounts are comprised the quarantine items.

Hon. Mr. MACPHERSON—I shall carefully examine my figures, and if I have made any error I shall be very glad to correct it.

Hon. Mr. PELLETIER—I am sure the error was unintentional.

Hon. Mr. MACPHERSON—The hon. gentleman surprises me very much by saying that the number of immigrants did not decrease last year. I fancied it was a matter of notoriety throughout the country that immigration was declining, and declining very seriously. I am quite aware that emigration from the United Kingdom to the United States has fallen off. The hon. gentleman's own report shows that the arrivals by way of the St. Lawrence have fallen off from 44,475 in 1871 to 7,743 in 1877.

Hon. Mr. PELLETIER—That is by the St. Lawrence.

Hon. Mr. MACPHERSON—My comparisons, remember, were confined to immigrants by the St. Lawrence, because, I take it, the money expended by the department is to induce emigrants to come to this country by the St. Lawrence; unless they come by that route we will not have the means of knowing that they come to settle in Canada. Of course, in winter they come to the port the Canadian steamers call at, but there are very few arrivals in winter. I deducted the amount advanced to the Mennonites last year, and it was not included in the amount which I divided *per capita*. I showed the amount with and without the transport of the Mennonites, but I excluded the loan altogether. This year I did the same. I shall go carefully over my figures again.

Hon. Mr. PELLETIER—I do not understand public matters well enough to answer my hon. friend's criticisms with respect to other departments. I have limited my reply to my own department.

At 6 o'clock the House rose for recess.

AFTER RECESS.

Hon. Mr. KAULBACH resumed the debate. He said:—After the exhaustive remarks of the hon. Secretary of State, I feel it is almost presumption for me to rise on a question of this importance when the hon. Senator from Toronto, who has moved in this matter and has made it a specialty for some time past, has established his points so clearly, and incontrovertibly. I fail to see, and hon. gentleman have failed to see, that the hon. Secretary of State with the made up statements of figures in his hands, with all the information at his command that the ingenuity of the departments could afford him, has answered the main questions, how the equilibrium between income and expenditure is to be restored, the question of deficits and the grave charges that have been made by my hon. friend on my right, (Mr. Macpherson). It seems to me that the hon. Minister of State, has lost sight entirely of the question of revenue and expenditure of the present desperate time, and unfairly, as is seen, based his defence of the extravagant expenditures of the present Government, not on the expenditures but on the estimates of a Ministry which had surpluses of twelve millions of dollars and applied them to public works, thereby lessening indebtedness at the end of each financial year. The Government took \$2,000,000 of taxes off the people, the duty on tea and molasses, whilst they controlled the affairs of the country. In this way I consider (when revenue increased and taxation was decreased) no comparison between the estimates or expenditures of the governments can be fairly made, and the arguments of the hon. gentleman, independent of that, have been grossly deceptive and fallacious. My hon. friend from Saugeen, the mover in this matter, has made several points clear to this House that cannot be gained—that even the Secretary of State cannot now question or dispute. Under the administration of the present Government we have less money, smaller

Hon. Mr. Pelletier.

revenue, heavier taxation and larger debt; and our credit in consequence of that must be very much depreciated. Admitting that, all those positions have been established. They are true, and the country knows and sadly feels it, and has already, in unmistakable manner, and in various ways, expressed dissatisfaction. I ask the hon. Secretary of State how he intends to meet the deficits that have been caused and piled up by the extravagance of the Government in the public expenditures of this country? Why does he not reply? Taking the hon. gentleman's own argument, he has proved that the last year (1873-4) the late Government were in office they had provided amply for the requirements of the country, and after the present Government were in power eight months—the remainder of that year—with all their lavishness and all their recklessness and extravagance, there was left to them by their predecessors a clear surplus of revenue over expenditure of about \$300,000. This the Secretary of State has proved, and he has proved also that the late Government, after having been charged with extravagance and corruption in public affairs, of filling the public offices with place seekers and political partizans, had expended no more than the circumstances of the country had justified them in doing. He justifies present expenditure on the basis of that of the late Government. During that period of prosperity—the Macdonald Government having reduced taxation and yet having large surpluses of revenue, and millions of dollars to the credit of the Government in the banks—there was no necessity to further economise where public improvements were required, any more than a private individual who finds himself prospering should be as careful in his expenditures as when he is in straitened circumstances and running rapidly into debt. Ever since 1873, with the trade of the country falling off, the revenue becoming less year by year, the Government borrowing money to meet ordinary expenditure, and the public debt increasing, we find the expenses of government increasing by hundreds of thousands of dollars each year in excess of what it was when the country was prospering, and wherever the Government have attempted to practice economy it was not economy in the public interest. The hon. Secre-

tary of State has tried (but signally failed) to justify the enormous expenditure by this Government for telegraphing, by comparing it with the expenditures of their predecessors for the same service. The hon. member for Saugeen shows that in 1872-3 the departmental telegraphing was only \$24,000, while the present Government expended in 1874-5 for the same service, \$38,000. I fail to see how the hon. Secretary of State got over that fact. He certainly has not shown there has been any increase in the rates for telegraphing since this Government came into power; the truth is, the rates have been cut down, yet the telegraphic expenses since they came into office are nearly twice as large as they were under the late Government. Nothing has been shown to justify it; there has been no disturbance in the country, Sitting Bull had not crossed the line and there has been nothing abnormal in the condition of public affairs to justify so large an increase in this expenditure. The hon. Secretary of State was forced to go back for a precedent to 1868, and tried to show that the late Government expended as much, and that is the only justification attempted by the Government for wastefully expending the public moneys. No wonder that the principles of their party became a byword and reproach when the best interests of the country have been sacrificed, and incompetency and mismanagement are shown to prevail in every department of the public service. The figures of my hon. friend (Mr. Macpherson) have not been questioned in this debate, and the hon. Secretary of State has failed to meet any of his charges although he carefully watched and scrutinised every figure and statement. The hon. Senator has shown that the total expenditure of this Government in 1875-76 was \$3,677,398 in excess of the expenditure of the late Government in 1872-73. He then (with his usual candour and fairness) gave them credit for having extraordinary expenditures to the amount of \$1,877,398, leaving a balance of \$1,800,000 which in those three years was expended by this Government in excess of their predecessors, on matters entirely and unquestionably within their control, and in which they could have easily economised if they had acted in the public interest and not in the interest of friends and party.

*Hon. Mr. Kaulbach.*

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. KAULBACH—The Government endeavored to show that they had been very economical last year, but before I am done I think I shall prove that their economy is only a "cheese paring" economy with a view to deceiving the country, and not the retrenchment which the public interests and the country expect and demand from them. They claim a saving of \$969,070 in this year over that of last year. If this is true, we cannot but consider that the expenditures of the previous year must have been grossly extravagant, when they can effect this saving now without any more pressing necessity for it than existed before. But how has this economy been effected? They have economized by expending \$600,000 less on public works when labour was cheap, and by destroying the efficiency of our militia, and cutting down their appropriation one-half—a most unjustifiable proceeding. I do not consider this to be economy, as I believe it will have the effect of rendering the large expenditures that have already been made in organizing our militia forces utterly useless, and destroying so vital an element in the defences of our country.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. KAULBACH—Then another instance of this false economy can be seen in Prince Edward Island, where a breakwater at Souris, which had cost, I believe, some \$30,000, has been destroyed through the neglect of the Government. They had been warned that that work was incomplete, and required a further outlay to make it secure. They refused to make any further expenditure on it, however, important as the work was to the safety of the property and lives of our fishermen, who are exposed on an unsheltered coast (where many fishermen have sunk with their crafts) and the result has been that the whole structure has gone to ruin at a loss of about \$30,000 to the country. Then, their reduction in expenditure is further caused by the following items being no longer required—exceptional charges in 1875-6 not in 1876-7—the Settler's Relief, Manitoba, and the United States Boundary Survey, in all, \$217,511. By taking these extraordinary

items out of their expenditure of the previous year, you will find that the boasted economy of the present year, instead of being nearly a million of dollars, is no economy at all, but, on the contrary, a destruction, and worse than waste of money. When the Provinces went into the Confederation in 1867, the gross debt of the Dominion, (including liabilities assumed) was \$93,046,051; in 1873 it was \$129,743,432. Thus it will be seen the late Government, after being six years in power, only added, during that time, to the public debt, \$36,697,381. I am not taking the assets into account. During that time there were extraordinary expenditures, such as the purchasing the North-West Territories, the bringing in of British Columbia and Prince Edward Island into the Confederation, and the building of the greater part of the Intercolonial Railway. Yet the Public Debt was only increased \$36,000,000 in those six years. But what do we now find; the gross debt of the Dominion has run up to \$174,675,834, or an increase of \$44,932,402 since the present Government assumed office—four years—as compared with \$36,000,000 of an increase under the late Administration in six years, with all the extraordinary expenses they had to provide for.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. KAULBACH—The Government have boasted here and elsewhere that they have reduced the expenditure in 1876-7 nearly one million and a half of dollars as compared with the expenditures of 1873-4. That has been their argument in making a very unfair comparison with the expenditures of a Government that had reduced taxation, had a prosperous country, plenty of money to provide for all the requirements of the public service, and surpluses year after year. But from this million and a half of boasted saving must be taken the following items of extraordinary expenditure of nearly one and a half millions of dollars: The cost of the census, \$32,000; also militia and defence, military stores, public works, boundary surveys, the North-west Territory organization, Dominion lands survey, and the customs refund to the Great Western Railway, of \$69,000. These items, when comparing 1873-4 with 1876-7, showed the sum

Hon. Mr. Kaulbach,

of \$8,324,000, against \$6,835,000, a difference of \$1,489,000. Therefore, taking the ordinary expenditures on both sides that could not be obviated, and they would show that this Government have expended in excess of the late Ministry, \$1,489,000 in 1876-7, as compared with the expenditures of 1873-4 although there was included in 1873-4, which is not included in the above, the cost of the extra session of Parliament, \$191,000, which cannot be placed to ordinary expenditure. All this shows clearly that my premises are correct, that the present Government have not reduced the ordinary expenses of the country in 1876-7 as compared with 1873-4. In order to show how recreant the Government have been to their own professions, I shall read the resolutions adopted by the Reform Convention in 1873. They were as follow: "They were to apply themselves to a thorough overhauling of the departmental system; the contraction of the lavish annual expenditure and the enforcement of strict economy in every branch of the public service."

Hon. Gentlemen—Hear, hear.

Hon. Mr. KAULBACH—Yet hon. gentlemen must see that year by year the expenditure has increased under the present Government, and it was about \$600,000 more in 1875-6 than in 1873-4. I ask hon. gentlemen if their conduct since then has not been a libel on the principles which they professed while in Opposition, ever since they came into office? They made a "big push" to get into office, but they left their principles as laid down in their resolutions—which no doubt my hon. friend opposite (Hon. Mr. Brown) had some hand in drawing up—behind them, and year after year we find those Reformers rolling up deficit after deficit, and expending \$500,000 more in ordinary expenses in a year of depression, than their predecessors did when the country was prosperous. Then when we ask them what they propose to do in order to meet those deficits, they tell us to trust in Providence and wait and hope, and hope and watch. "Hope," as my hon. friend on my right (Mr. Miller) remarked sarcastically the other day, "that some more large cities may be destroyed;" or trust to some fortuitous circumstance that will swallow up the revenue so as to enable us to meet

our obligations. They have destroyed the industries of the country, they have ruined our sugar refining, the tea trade, the coal interests, and our trade with the West Indies with their "do nothing policy," and the question now arises, how is this country going to be brought back to prosperity and to what it was in the good days of the late Administration? Nobody can for a moment suppose this can be accomplished under the present policy, and my hon. friend on my right very properly asks the question how it is "proposed to restore the equilibrium between revenue and expenditure?" We find that the hon. Secretary of State, after three days' debating on this subject, has failed to answer this question.

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. KAULBACH—Perhaps my hon. friend who says "Hear, hear," can tell us. He is considered to be the real leader of the Reform party.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. KAULBACH—It is said he has now the entire responsibility of the party on his shoulders, and when my hon. friend for Saugeen, on this side of the House, said yesterday he believed that the policy of the Government was direct taxation—a land tax or an income tax, or both—the Government dared not deny it, and my hon. friend from Toronto (Mr. Brown) said never a word, although it was insinuated that he knew it. It would be a great relief to our friends in the country, and especially to the people in Nova Scotia, if the hon. member for Lambton would not deny us the information, how this deficit is to be met, and if the result is as my hon. friend boldly stated yesterday, direct taxation, the knowledge of that fact will be a great benefit to the country. For my part, I cannot see what other way the Government are going to meet it, as they have done nothing to revive our drooping industries. It is impossible that they can revive under the present policy, while the expenses of the country are piling up and the public debt is increasing. I ask, in all honesty, with a desire to be informed, how this question of drifting from one year to another is to be stayed, or is the ship to be allowed to go on the breakers? It is impossible that we can exist much longer under the present state of

*Hon. Mr. Kaulbach.*

things. Take the Military College at Kingston, for instance, on which has been expended, with the estimates for expenditure and costs of education and management, about \$300,000, to educate and perfect in military tactics, about forty cadets, while the militia appropriation has been cut down \$500,000, so that there is no provision made for instructing company officers, and scarcely anything left for drilling the men. Is that a wise policy? I should say it was not. Then we have the Civil Government of the country, which, we were told in 1872, was most extravagant, that the departments were crowded with useless clerks, and they even filled the corridors and had nothing to do. The cost in 1872-3 was \$750,800, for which the late Government were denounced in unmeasured terms by the then Opposition. But now what do we find? In 1876-7, the cost of Civil Government has been increased to \$312,200, or \$62,000 more for attendance on the Government than the amount expended by the Macdonald Government, which they denounced for extravagance. I am sure this is a matter which the Administration had largely in their own hands. The retrenchment principle might easily have been applied here with some appearance of sincerity. Who will say that it could not have been done? They might have economized if they had any desire to do so. Before the Reformers came into power they denounced the superannuation policy—the pensioning off of efficient men. In 1872-3 it cost \$53,000, but in 1876-7 it had increased to \$104,800, or \$50,000 more than the expenditure of their predecessors in superannuations, and it was done, no doubt, to accommodate the Government and make places for their political friends.

Hon. Gentlemen—hear, hear.

Hon. Mr. KAULBACH—I believe in many cases—I know one or two myself—men who were infinitely better adapted for the positions which they held than the men who were put in their places, were superannuated without cause to make room for office seekers. A dozen instances could be named if necessary.

An hon. Gentleman—Name them.

Hon. Mr. KAULBACH—The Postmaster at Halifax is one, and there are other cases I will name if the Secretary

of State wishes me, when men in the full vigor of life, and thoroughly conversant from their ability and long experience with the whole details of their departments, men against whom the Government could assign no fault, but on the contrary men who had proved themselves invaluable have been driven from the service, and incompetent men have been appointed in their place. In 1872-73 the total Customs collected was \$13,053,000, and the cost of collecting it was \$568,000. In 1876-77 there were customs collected \$12,556,000, and the cost of collecting that amount was \$721,600. In other words it cost \$150,000 more in 1876-77 to collect \$500,000 less revenue, than it did in 1872-73, and the Government have signally failed to give a satisfactory explanation as to why this \$150,000 of increased expenses should have occurred whilst there is a decrease in revenue and less to be done. In 1872-73 the cost of collecting each \$100 of excise was \$3.80; in 1876-77 the cost of collecting \$100 excise was \$4.25. Now, I cannot account for it, why in all these matters and in all those years of Reform rule a saving had not been effected, as the Reform motto was "there shall be economy and retrenchment in every branch of the public service." They say they economise now in Public Works, but there was never a time in the history of the Dominion when they could less afford to cut down expenditures in this direction than when men are out of employment, and are demanding work or bread. But instead of promoting the public works to which the country is pledged, when labor is cheap, and when a vast amount of work can be accomplished for a small sum of money, the Government lavishly expend the public money on useless objects, providing salaries and places for their friends and supporters, and starve the public works and labouring classes of the country, driving thousands of workmen into the United States to seek employment, against the interests of the Dominion and the dictates of humanity.

Hon. Gentlemen—Hear, hear.

Hon. Mr. KAULBACH—In Montreal, in 1873-4, the duties collected amounted to \$5,639,008, and the cost of collecting them was \$95,765. Last year the amount collected at that port was but \$3,

*Hon. Mr. Kaulbach.*

878,570, while the cost of collecting had increased to \$117,989—or it cost \$22,224 more to collect two millions less revenue in 1876-7 than it did in 1873-4. The hon. Secretary of State has not accounted for this in a satisfactory way. He told us to-day that the increased expense was due to certain reforms which had been adopted on the advice of some subordinate at Quebec. The trouble appears to be, and has exhibited itself in many ways during this Session, that the Government are not the governing power, but a set of incapables with no policy, and are subordinate to their subordinates, and have no administrative ability of their own to conduct the public affairs of this Dominion. It has only to be made known to them that some servant of the Government, some gentleman engineer, has got some hobby which he wants to ventilate and put in operation, the Government submit, and commit themselves without due consideration, thought, or enquiry to the expenditure, and the public money is consequently wasted in costly experiments to the tune of hundreds of thousands of dollars. This experiment at Montreal is one of them, (although, I confess, a very small one compared to others) by which the cost of collecting the revenue with a larger number of officials and with additional surveillance has increased, whilst the revenue has proportionately decreased. The Government have not attempted to deny this. The Secretary of State has failed to give any reasonable excuse for it—although as I believe I have clearly shown, that the charges on revenue alone, the expenses in collecting revenue, have increased, from the extravagance in this branch of the public service, to about one half a million of dollars. Time will not permit me to go further into showing up the extravagance and blundering of the Government. They are to be found everywhere.

Hon. Gentlemen—Go on.

Hon. Mr. KAULBACH—I could name the \$67,000 spent for a few acres of land in the wilderness which cost us about \$500 an acre, which was worth only a dollar an acre—The Fort Francis Lock, and the Goderich harbour jobs, the Neebing Hotel, a meer frame set on blocks and boarded, for which \$4,500 was paid, though

it was not worth much more than \$500. The whole system and management of the Pacific Railway, to say nothing of steel rails, is marked by a system of blundering from beginning to end in which hundreds of thousands of dollars have been thrown away by the present Government. The hon. Secretary of State has stated to-day that the depression was due to the inability of other countries to buy our goods. On that I join issue with him, and shall show it was not overproduction but want of production, our workshops being closed by this Government; and he went on to show that the depression here was nothing to compare with the depression which prevailed in other countries, especially the United States. I wish I was better prepared to answer him on these points than I am now, and as these are questions more of trade relations, I did not expect them to arise. But, I shall meet them as best I can. Now, I have in my hands a comparative statement made by Dun, Barlow & Co., of failures in the United States and this Dominion. They show the proportion of failures in the United States in 1876 was one to every sixty then doing business. In Canada during the same period the proportion of failures was one in every thirty-two. In 1877 the proportion of failures in the United States was one to seventy-three and in Canada it was one to twenty-nine. Yet we are told to-day by the Secretary of State that the United States feel the depression worse than we do? consider for a moment, \$87,566,000, the amount of bankrupt liabilities since this Government came into power—and then compare the population and wealth of Canada with that of the United States, and our paralyzed state since 1874. My hon. friend (Mr. Scott) told us this afternoon that there were less complaints of hard times now; that we are reviving; that there are signs of improvement. I wish it were so. He cannot make the country believe it. My experience and conversation with business men make me know and feel that it is quite the reverse, that quietude may have followed despair, as the most afflicted cease from groaning when their breath has left them, and there has been no period of this depression in which men have felt themselves in a more critical and embarrassed position than at the

*Hon. Mr. Konlback.*

present moment. Everywhere we see that this no policy Government has strewn our shores with commercial wrecks, failures, and debts. Consider the number of failures last year, 1,900, yet the Government have nothing to offer us, but say, "trust to Providence and better times, and wait for good luck." But my friend may rest assured that the majority which brought in this Government are anxiously waiting for the good time coming, when they will walk them out. That will be the better times, the trust in Providence and good luck. The Government, in defence of their expenditures since 1873-4, could not have given a better certificate as to the honest administration of the late Ministry than they have done when they said that they had expended no more than their predecessors had done. In this way they unwillingly gave credit to their predecessors for having been economical, wise and prudent, and acknowledged that their public acts should command the confidence of the people. But more than that, we have the evidence of the present Finance Minister, who is yet a better authority, who, when in England, in October, 1875, where he went to borrow money, in his loan prospectus showed that under the policy and administration of his predecessors, there had been an aggregate surplus of \$12,800,000. He said:

"The whole debt of the Dominion had been incurred for legitimate objects of public utility."

Was not that an emphatic and deliberate endorsement of the policy of the Macdonald Government? It was the written declaration of a responsible minister that Sir John's conduct of public affairs was just, wise, and economical. The Government or its followers cannot now, with such a document staring them in the face, charge their predecessors with extravagance. It was as the Finance Minister now says "the bright side of the shield," but it had the truth emblazoned on it—a true picture of our country's financial condition, our prosperity and development under the late Administration. But how stand we now? A deficit of three and a half millions in two years, and probably another this year of equal magnitude. The expenditure is overrunning the income notwithstanding the increased taxation of \$3,000,000 which the Government has imposed on the people; our debts are maturing;

loan follows loan; and in the last Budget Speech of the Finance Minister he states that he favours an income tax—direct taxation. The Hon. Secretary of State has told us that the United States have felt the depression more than Canada. I think I have shown the reverse to be the

case. But I have here a list of the exports of the United States for the following years, which shows the increase of home manufactures and increase of markets for their surplus goods under their national policy of protection:

EXPORTS.

	1875.	1876.	1877.
Merchandise.....	\$499,284,100	\$525,582,247	\$589,670,224
Specie.....	83,857,129	50,038,691	43,135,738
Total.....	\$583,141,229	\$575,620,038	632,805,962 583,141,229
Increase over 1875.....			\$46,664,733

These figures show that notwithstanding the depression and hard times for the last years, the export trade of the United States in manufactured goods has been constantly increasing, whilst the country has accordingly saved in specie by the increased exportation of goods nearly 100 per cent. They have been saving their gold to build up their industries, and in place of it have exported the products of their industries. This is their national policy, and with the same wise measures we would control our markets, and the country would thus be brought back to wealth and prosperity. The above table of exports must silence the Secretary of State as to the depression in the United States.

	1875	1877
Copper.....	\$1,085,688..	\$2,913,943
Cotton.....	4,071,882..	10,235,843
Leather.....	7,438,192..	8,298,383
Ordnance stores....	860,107..	4,747,899
Sugar and molasses.	3,752,488..	5,181,244

These exports are products in which the United States now compete in the English home market—even in the stores of the merchants of Birmingham, Sheffield and Manchester. It shows the markets they have secured everywhere for arms woollen and cotton goods, watches, sewing machines, cutlery, locomotives, and other machinery and textile articles. Yet we are told of the depression of the United States and how they are being protected to death! Why, even this year the United States manufactured and sent to Turkey arms and ammunition to the value of \$7,000,000. These facts show an increase in mechanical skill, in wages, in labor, in cheap goods, and in the home industry of that country, and that they have found markets everywhere for this increased production, not only in Canada, but in every other country in the world. Figures and facts like these go much further to show that the United States are not in the depressed condition that the hon. gentleman would make it appear to be, than all the arguments that can be adduced to the contrary by the Government and hon. gentlemen opposite. It is no wonder that under the existing indifference of the Government to the wants of this country our people flock to the United States. The United States send into this country \$57,312,660 worth of manufactured goods annually, to be com-

Hon. Mr. SCOTT—This includes flour and grain.

Hon. Mr. KAULBACH—On the contrary, those exports have been entirely manufactures of iron, copper, cotton and such articles as England used to supply the world with, and which but for the protective policy of the United States they would have to depend on England for, at the present day. It does not show that the Republic is bankrupt when they pay in goods and keep their money to employ their labouring population, when the exports of that country have increased so largely and their imports have decreased in inverse ratio. As my friend says that the exports include flour and grain—I will give the exact figures from the trade returns in the United States showing in what articles the increase was in 1877 over that of 1875.

Hon. Mr. Kaulbach.

sumed here, while we send them in return only \$25,000,000, so that at the end of the year this country had to pay to the United States, in cash, \$25,527,424 as the balance against us and in their favor in those transactions. This money was sent out of the country to build up the manufacturing industries of the United States. We are actually driving our working men out of the country to find employment across the lines, and there we are providing them with employment by purchasing from the United States the products of the labor of the very men we have driven away from us. The whole policy of this Government seems to be to build up the United States at our expense. The hon. gentleman referred to the depression in the lumber trade and pointed to it as the result of stagnation in the United States markets. But we know the Government have allowed the direct trade in tea with China and Japan, and the sugar trade with the West Indies and South America to be destroyed. In that way they have made our lumbermen now largely dependent upon the Americans for a market for their lumber, and have subjected them to a tax of \$2.00 on every 1,000 feet sent there, to be re-shipped to other countries. They come and ask Parliament to give some encouragement to establish a trade with Australia, while they allow nearer and better markets to be destroyed. A great deal of the lumber exported from the United States to the West Indies and South America is Canadian lumber, that should, together with many of our farm products, have been exported, direct from the St. Lawrence by our own merchants, if a proper fiscal policy were adopted that would encourage direct trade with the West Indies. Then there are our matchless coal and iron, immense mines of wealth in Nova Scotia, interests from which England's wealth and greatness have sprung, in each of which there are over \$12,000,000 of invested capital lying comparatively useless and profitless, in consequence of the unpatriotic and destructive policy of this Government. Yet Nova Scotians are asked to support such a Government—a Government which has destroyed every industry, or else crushed them with taxation, while giving nothing in return.

Hon. Gentlemen—Hear, hear.

*Hon. Mr. Kaulbach.*

Hon. Mr. KAULBACH — In 1877, that wonderful year of Grit wisdom, economy, and boasted retrenchment, we imported from the West Indies only \$61,824 of sugars. But from the United States we imported over \$2,000,000, which should have been manufactured in this country, and through it helped the masses of our laboring population in the lumber, fish, coal, iron, shipbuilding and other industries—all this at a loss to the revenue of about \$7,000, for the duties on sugars, syrups, and molasses, in our four largest provinces in 1874 were \$2,360,000, and in 1877 they were only \$2,353,000, whilst the consumer received an inferior article at a higher cost. This shows that we have suffered the Americans to crush out a most important industry, and entirely reverse our trade in sugar. With it has gone our wealth and prosperity. We have handed over the entire manufacture of sugar for this country to the United States. I say to the Secretary of State that our West India and South American lumber trade, which was large enough for all the surplus lumber of this part of the country was destroyed in consequence; and I say it advisedly, that the crippled condition of the lumber trade is largely due to the unpatriotic "do nothing policy" of the Government. In 1874, at the time they took off the discriminating duty on tea coming through the United States into this country, we imported direct from China and Japan \$1,224,526 of tea; since then we have imported direct, only \$418,606 worth. Last year we imported of tea from the United States, \$1,734,658 worth, as compared with imports from China and Japan of only \$519,701, showing clearly and indisputably that the result of this Government's taking off the discriminating duty has been not only to destroy our direct trade with China and Japan, but also to throw the entire tea trade into the hands of the United States, thus helping their shipping and ship-building interests, and sacrificing the same industries here. I ask what would be the position of the Finance Minister to-day, if he should go home to England and ask for another loan, which he cannot avoid much longer unless he initiates his favorite policy of direct taxation, as shown in his last Budget speech? Would he be able to go back, as I have already shown he did in October, 1875,

with that "brazen shield" and again present the truthful side, to England? Would he be able to tell the capitalists there that we have plenty of money; that he had done what his predecessor had done, rolled up surpluses of over \$12,000,000, whilst at the same time he had decreased taxation, that our revenue was large and increasing that our debt had not increased, and that we were meeting our ordinary expenditure out of revenue? Would he be able to tell them that this country was prosperous; that he came there to borrow because money could be got cheaper there than here; that the money of this country was profitably invested in the industries of this country; that he did not come to get money to meet ordinary expenses, but that he came for money to build the Pacific Railway and other public works of this country? No, he would have to go there saying, that we had become, through his mismanagement, a commercial dependency of the United States—that we merely retained our allegiance to Great Britain—that we have less money; that our revenue is less, our taxes are heavier, and that we have deficits piled upon deficits, instead of surpluses. He could not again go home and boast truthfully, as he could in 1875, of the flush and prosperous condition of this country, yet we find the Government creating offices for themselves, their friends and relations, and constructing public works of no utility, which can only remain as monuments of their folly and extravagant expenditure of the money drawn by taxation from the people. They make "big pushes" through the country and falsely accuse and condemn the late Government as having been guilty of gross extravagance in every department of the public service. But the loan prospectus of our Finance Minister in 1875, proves that Mr. Cartwright showed a true picture of the prosperous condition in which he and his colleagues found the country when they came into office and how wisely and how well the public affairs had been administered by their predecessors. If the Finance Minister went home now, he would, if called upon, have to admit that his Government found it better to serve their friends and party, than to serve the country, that it was true as the American Consul had reported to the United States Government "they had nearly all of the Ontario

Hon. Mr. Kaullbach.

market—and that they could get it all" by crushing out our industries; that in every branch of the public service large sums of money have been improperly expended; that the public funds have been lavishly wasted for power and patronage; that the public works of the country were neglected whilst we were sending our men and money the United States; that he had taxed the people by over \$3,000,000 extra duties; that we were piling up deficits every year, and that the deficit on this present year in February was already over \$600,000. I have, hon. gentlemen, shown that we have less money, smaller revenue, heavier taxation and larger debt; and this cannot be denied by my friend the Secretary of State, that not only has the public debt been increased by this Government to the sum of \$175,000,000, but, with the increased taxation of \$3,000,000 a year, we have a deficit in two years of nearly \$4,000,000. We have these enormous deficits, and I would like to know—I earnestly desire to know what the Government intend to do under such a condition of affairs. We talk of immigration and we are paying large sums of money to agents in Great Britain and the old countries of Europe, to direct emigrants to this country. Let us look for a moment at what they are costing us now, and in 1872-3. Then, the late Government secured 36,900 European emigrants at the cost of only \$287,300. Last year this Government only brought in 6,700 immigrants and the cost, after all reasonable deductions are allowed, has been about \$200,000. At the present rate for each immigrant, the 36,900 brought in the last year of the late Government would have cost one million of dollars. The Government would like to count those who crossed the lines from the United States. It would be right enough to do so if the Government would deduct from it the number leaving here for the United States. We have no agent in the United States and spend no money there for immigration purposes. The \$300,000 now allotted to immigration, should be dispensed with at present. We find men in our streets out of employment, finding none, clamouring for work or bread and there is nothing for them to do. Yet we keep up these costly agencies in Great Britain to delude emigrants into coming to Canada to beg or starve. When I made a statement to

that effect in this House last Session I was told that it was indiscreet, but the hon. gentlemen who condemned me for it then have since come to think as I do, that when there is not sufficient work for our own people, there is no chance for immigrants. We are on the verge of bankruptcy. We have assets, but nothing to correspond with the amount of our debt. Our trade has fallen off \$15,000,000 a year since this present Government came into power, and the balance of trade has gone against us in favor of the United States to the extent of \$25,000,000 a year. These figures are sufficient to show that there is no room now for immigrants here. If we were able to calculate, or the Government would afford us the information, as to the number of Canadians, the hundreds of thousands that have left here and those who leave here daily to go to the United States, we would find, I think, that the proportion is greater than the number of immigrants who come into this country. I feel that the hon. Secretary of State has not been able to meet the exposition of the affairs of the country which my hon. friend from Toronto has placed before the House, nor has he answered the question which my hon. friend has asked of the Government, how they propose to restore the equilibrium between income and expenditure. The hon. Secretary of State having failed to do so, I would again appeal to the hon. gentleman from Lambton (Mr. Brown) to give us some light on this subject. I am sure that he could propound some sound policy of economy. It is well known that this Government dare not adopt any policy without first conferring with him. He has always been an advocate of economy in the country—how much better would it have been if this Government had put that principle into practice. I began to think that the proprietor of the *Globe* could not be in accord with the policy of the present Government. I hope the hon. Senator will at once tell us what he would propose, instead of leaving the people in ignorance of the policy of the Government, until after the elections are tided over. I do not think the people will be satisfied, or that this House will be satisfied, until they hear what that policy is, and that it is one which will relieve the suffering industries of this country. It is not for the

Hon. Mr. Kaulbach.

Opposition to propound a policy, though I am sure they have a policy, one which the country will approve of, not a policy of increased taxation, but of readjustment of the tariff, so as to protect and foster our home industries, and to cause the major part of the \$50,000,000 of goods we import yearly from the United States, to be manufactured here, keep the gold in the country, and thus furnish labor for our people and the immigrants that will flock into it—such a policy as will ultimately make goods cheaper to the consumer, give a home market to our farmers, and keep the balance of trade in our favor. All this has been done by our neighbors across the lines, the result being cheap goods, light taxation, good wages, and abundant employment. The one-sided freetrade theory of this Government has made things dear, depopulated this country and made it bankrupt, whilst the protective policy on the other side of the line has made every article of general use cheap, and has populated the country and made it wealthy. To show that the United States is a cheaper country than this, it is only necessary to state that we buy mostly from them, pay the duty of 17½ per cent—with expenses of shipment, &c., equal to 20 per cent—and yet the Government would like the people to believe that the United States, a protective country, is a dear country and Canada is a cheap country. Look at Prescott on our side and Ogdensburg on the other side of the St. Lawrence. In the former, trade is depressed and the workshops are quiet. On the other side everything is in full blast, and smuggling is carried on briskly from there—in which the ladies are said to be the worst offenders by far—into Canada. Such facts as these daily before our eyes, make it no wonder that our country is going strongly for protection, not only to and for sugars, coal and iron, and our shipping interests, but for everything that with reasonable cost can be manufactured and produced in this country.

Hon. Gentlemen—Hear, hear.

Hon. Mr. KAULBACH—My hon. friend beside me (Mr. Macpherson) as well as many others on this side, can carry out our policy, and we believe it will soon be their pleasure as well as their duty to do so—a policy that would be accep-

table to the people of all the provinces; but we now rightly look to the leader, to the hon. Senator from Lambton, to inform us what he would propose in order to meet the present sad condition of affairs. Is it direct taxation? If he or the Government do not speak, the country will condemn them.

Hon. Mr. VIDAL—I do not rise to speak on the question now before the House, but to ask why it is that I, the only member in this House coming from Lambton, should be so frequently alluded to as holding sentiments of which I disapprove? I know the hon. gentleman who has just spoken refers to Mr. Brown as the member for Lambton, but the country generally looks upon me as the only Senator from Lambton, and it is not right that Mr. Brown's brilliant oratory, flashing eloquence and often poetry should be attributed to me.

Hon. Mr. BROWN—It should be Bothwell.

Hon. Mr. HOPE—The subject before the House is one of very considerable importance, and it appears to me to be divided into two heads. First, the hon. Senator from Toronto proposes to call attention to the public expenditure of the Dominion, especially that portion which is largely within the control of the Administration; and second, to ask the Government how they propose to restore the equilibrium between revenue and expenditure. I think it a very easy matter to arrive at a conclusion with regard to some of those subjects by reference to the Public Accounts. We had a great deal of discussion on matters of detail, and reference has been made to all sorts of things, so that it is almost impossible to know what hon. gentlemen are trying to get at in their speeches. I find by the blue book that the ordinary expenditure, which is what the hon. Senator from Toronto calls attention to, in 1868-9 amounted to \$3,459,485.42. In 1873-4, the last year of the late Government's administration, (I think they are fairly responsible for it), the amount of expenditure was \$8,324,076, or more than double the amount expended in 1868-9. I would say that it was a very rapid increase in the ordinary expenditure of the Government that was immediately under their control, and would indicate there

*Hon. Mr. Kaulbach.*

was a degree of extravagance and recklessness in the management of the financial affairs of the country that required to be strictly overhauled. In 1876-7, I find by the Public Accounts, the ordinary expenditure amounted to \$6,835,078, or \$1,488,998 less than the expenditure in 1873-74 when the late Government was in power. If the hon. Senator from Toronto would only consider those figures he would see that the present Government are on the right road. They have exercised economy and retrenchment in the management of public affairs. Besides the expenditures in 1873-74 that I have alluded to, the late Government had votes passed for \$2,761,857.68 which I find, by the return which has been published by order of the House of Commons, was spread over a series of years, and in 1876-77 the sum of \$538,525.74 was expended by the present Administration for engagements made by their predecessors. The present Government in 1876-77 had to meet the outlay incident to our Indian Treaties; the opening up of the North-West Territories and establishing the Supreme Court, &c., and yet the expenditure was less by \$1,488,998, than the expenditure of the late Government during the last year they were in office. When we look at what the hon. Senator from Toronto has called attention to, we have every reason to be satisfied with the present Administration for discharging their duty to the country and acquitting themselves in all respects as an economical and careful administration should do. Coming to the next point—how the equilibrium between revenue and expenditure is to be restored—I would call attention to the expenditure of 1875-76. It amounted to \$24,488,372.11, while the income was \$22,587,587.05, showing a nominal deficit of \$1,900,785.06. That, however, included the amount set aside for the sinking fund, which deducted would leave \$1,077,831.64 as the actual deficit of that year.

Hon. Mr. MACPHERSON—That is putting the Sinking Fund into a Suspense Account.

Hon. Mr. HOPE—That was the first deficit this Government had.

Hon. Mr. MACPHERSON—Why deduct it?

Hon. Mr. HOPE—The money is there and it belongs to the country. In 1876-7 the expenditure was \$23,519,301.77, and the income \$22,059,074.11, leaving a nominal deficit of \$1,460,227.66. From this deduct the amount paid into the Sinking Fund, and it leaves an actual deficit of only \$631,654.07, making the total deficit for the two years, \$1,709,485.71. That was the actual deficit on the 30th of June last. It occurred during two years of unexampled depression of trade; I may say unexampled in the history of Canada, and yet, with all this, and looking at the heritage of pecuniary engagements this Government got from their predecessors, the expenditure of even 1872-3 exceeded that of 1876-7 by \$227,017, and that, too, in the expenditure largely within the control of the Administration. The estimated expenditure for 1877-8, is \$23,378,228.56, and the estimated revenue for the same period I take as \$22,059,274.11, the same as the preceding year. But in the seven months ending the tenth of February last, the revenue shows an increase over last year, according to the statement of the Finance Minister in his able and excellent Budget speech of this Session, of about \$1,000,000. I would add to that, for the remaining five months, say even one-half of the same ratio of increase, which would amount to \$357,142, making \$1,357,142 to be added to the estimated income, based on the receipts of the preceding year, and making in all \$23,416,416.11. This would give an actual surplus of \$38,187.55, and that too after providing for the Sinking Fund.

Hon. Mr. READ—That is, if you get it.

Hon. Mr. HOPE—Of course it is an estimate, but so far as the question of the hon. Senator from Toronto is concerned, I think I have answered it satisfactorily. I take my figures from the Blue Book; you have it there just as I give it. The estimated revenue for 1878-9 is \$23,850,000; the estimated expenditure, \$23,440,051; leaving a surplus of \$409,949. Here is a complete answer to those who are anxious to know how the equilibrium between income and expenditure is to be restored. I have no difficulty in pointing out, not only how the equilibrium can be restored, but how it can be kept and maintained.

*Hon. Mr. Hope.*

These are the figures, and if the country and the Parliament sustain the present Administration for the next five years, I venture to say there will be no deficit to complain of.

Hon. Mr. AIKINS—Which they will not do.

Hon. Mr. HOPE—Which they will do.

Hon. Mr. CAMPBELL—The hon. Secretary of State is right—he said he would rely upon hope to restore the equilibrium.

Hon. Mr. PENNY—Seven months of it is fruition.

Hon. Mr. HOPE.—When the present Government came into power there were works in progress, or authority taken to construct them, to the amount of \$28,447,18.90. Just look at the legacy the present Government were left by the legislation and acts of the late Government. I think without travelling over the whole record of details in the Blue Book, but just looking at the figures admirably arranged in tabular form in the Blue Book of Public Accounts, I think the hon. Senator from Toronto must be convinced that a satisfactory answer has been made to the question he has put to the House.

Hon. Mr. MACPHERSON—If the hon. gentleman had a seat on the treasury benches it would be different.

Hon. Mr. READ—The hon. gentleman who has just addressed the House referred to the heritage left by the late Government. When we look back upon that heritage, I say we should be proud of it. The present Government inherited a large surplus which they found in the banks to their credit. What has become of that heritage? They found the nice little sum of \$9,146,500, in the banks when they came into power, and how does it stand to-day, according to the last returns. The amount is now only \$5,210,749.76, a difference of nearly four millions that has been spent in addition to the debt they have rolled up. They found the public debt of this country \$130,778,698, and to-day it stands at \$174,675,000 or a difference of \$43,897,000; besides the \$4,000,000 they have spent out of the surplus left them. What has the country got for that expenditure and the increased taxation? Twice the taxes have been increased: once to increase the revenue by \$3,000,000 and another time to raise

\$500,000 more. I do not think that result has been obtained. Where has that money gone? We know where \$10,000,000 went, and we are aware that money has been spent, many of us think not well spent. The hon. Secretary of State has attempted to show that the estimates are what the late Government should be judged by. Now, we know that the estimates are generally more liberal than the expenditure. It has been the case with the estimates of the present Government. I find this year over one million of dollars charged to capital account of the Intercolonial Railway. That is a very large sum in view of the policy of the Government as enunciated by Mr. Cartwright in his Budget Speech in 1875. He said: "I may as well state that the Government have carried out, as they declared they would have last Session, the policy of charging to income account everything that properly belongs to the maintenance of these railways." What is this million of dollars charged for? I will read the items, and hon. gentlemen can judge for themselves how many of them should be charged to capital account:

Car sheds .....	\$1,157 56
Engine houses .....	20,441 25
Freight houses .....	1,237 52
Moncton station building.	25,483 21
Passenger and refreshment rooms .....	11,241 22
Tank houses and sheds ...	44,983 08
Building expenses .....	844 92
Engineering and survey ...	8,902 31
Legal expenses .....	3,493 98
Management .....	12,443 92
Printing and advertising ..	212 61
Right of way .....	15,962 77
Postage, baggage, and mail cars .....	3,349 95
Box freight cars .....	293,315 58
Snow ploughs and flayers.	11,591 88
Conductors' vans .....	8,241 52
Expenses .....	53 17
Road diversions .....	39,016 48
Branch lines .....	10,474 02
Rimouski pier .....	16,987 16
Snow shed and fences .....	135,709 20
Contract 17 .....	6,020 20
Advances to contractors ...	2,520 79
Iron bridging .....	641 77
Cross ties .....	1,330 63
Track laying and ballasting	324,493 97
Telegraph line .....	16,830 00

Hon. Mr. Hope.

Mail tender Rimouski.....	19,169 72
Pe ition of right expenses.	10,985 93
Right of way Quebec .....	627 00
Total .....	\$1,004,057 16

Although the Government that preceded this did estimate liberally they had good reason to do so. This Government on the contrary starves a'l the public works of the country. Mr. Cartwright admitted in 1874 over his own name in London, that there was a surplus left him of \$10,000,000. Taking all things into consideration I think this Government have been reckless in the extreme, but the worst form of that recklessness has been in starving the public works of the country and feeding their friends.

Hon. Mr. GIRARD—The debate has thus far been on the expenditures of the Dominion. I wish to call the attention of the House to expenditures which have not been made, but which, I contend, should have been made. I find the following in the *Toronto Mail* of to-day:

"WINNIPEG, Man., March 20.—A *Free Press* special says Battleford is greatly excited over a report brought in from Red Deer River by the Mounted Police, to the effect that Sitting Bull had formed a confederation of Sioux and Blackfeet, and had made overtures to the Crees; and when the leaves came out there was to be a great gathering of Indians at the confluence of the Red Deer and Bow rivers, whence Sitting Bull proposed to raid the settlements. This information was obtained from a friendly Cree, who overheard the council which had been called to consider Sitting Bull's proposition. Yesterday afternoon the Crees held a meeting in the Registry office, which was attended by Lieutenant-Governor Laird, Colonel Richardson Scott, and Mr. Forget. Speeches were made, and the Indians declared unswerving loyalty to the Queen. This morning a man arrived from Cypress Hills, six days out. He reports that a camp of seven hundred lodges of Sioux is pitched at the Sandy Hills, 65 miles from Fort Walsh, which is daily augmented by new arrivals. Four wagon-loads of cartridges arrived at the camp the day he passed. The half-breeds are all leaving Cypress Hills, and moving toward Carleton. He says it is reported that Nez Perces, Little Blanket, Little Dog, and the Blackfeet Indians have all formed a treaty with Sitting Bull, and that the Blackfeet are on Belly River in force. It is not known what these movements portend, but it is expected an attack is to be made on Cypress Hills and Fort MacLeod. Big Bear, a Cree chief, says it is useless for the Government to try to govern the Indians as long as they put the Indians in gaol for killing buffalo."

" [By Telegraph from our own Correspondent.]

" WINNIPEG, March 20.—There is great excitement here at the news from the West. The trouble, it is believed, has arisen from the Government sending out carpet-baggers. Many Indians and half-breeds regard their legislation with suspicion. Owing to the parsimony of the Government the volunteers of Manitoba are not able to drill in winter for want of drill sheds, they are consequently unprepared for service in case of urgency. It is feared that owing to nothing being done to satisfy justice in this superintendency, notwithstanding the abundant evidence of the way the Indians, as well as the Government have been defrauded, the Indians of Manitoba may, in case of trouble, be tempted to avenge the wrongs practised on them during the last four years "

If there is a place in the Dominion where a military force is more necessary than another, it is Manitoba, because we are without protection. We had the Dawson Road, by which troops could be sent to aid us in case of danger, but at present the only means of reaching the North-West is through the United States. If the necessity should arise to send troops to Manitoba, it is possible we would be refused permission to send them through the territory of our neighbors, and it seems to me it would be most humiliating to us to have to admit that we could not pass from one part of the Dominion to another through our own country. We should not have to beg permission from our neighbors to get from one part of Canada to another. A certain amount of money has been saved by closing the Dawson Road, but I do not think it wise economy. The time has not arrived when the military post should have disappeared from Manitoba. Perhaps, it was thought some money should be expended in the North-West. I find by consulting the Blue Book that there is a Government at Battleford, with a Lieut.-Governor and high-priced officials, who have nothing to do, and write some correspondence merely to keep their consciences easy. I do not know what they are there for, unless it is to look after the grasshoppers. It is a long way from Winnipeg to Battleford, yet you will not find a settlement between those two places, except at St. Laurent and Lac La Biche, which are not settlements for the cultivation of the soil, but for hunting the buffalo. I think the organization of that Government in the North-West was premature. Fort Garry was more central than Battleford. It is the starting point

Hon. Mr. Girard.

for any part of the North-West. For many years to come Winnipeg will be the actual capital of the North-West, rather than any other point the Government may choose. I would call the attention of the Government to a fact which I mentioned last year, when the bill to complete the organization of the North-West Government was before the House. I told them they should not neglect the native population as they had done. I pointed out that one, at least, of the five members of the North-West Government should be a half-breed. It was my opinion at that time, and is still, that a native of the country could render the very best services to the country as a stipendiary magistrate. I know the excuse is offered that there are not educated men among them to fill the position, but I contend that men of upright character, who are well qualified to perform any such services can be found among the Hudson Bay Company's employees. I do not want to be considered an alarmist; indeed, I am not afraid of the rumored trouble with the Indians. I would not like to have a cry go abroad which would interfere with the rapidly-increasing emigration to Manitoba. I believe the Government have done their best to satisfy the Indians, but they should do something to give satisfaction to those who exercise an influence over them. The course pursued by the Government has been such that we cannot expect the half-breeds and other natives of the country to exert themselves to aid the Government in a time of emergency. They will let matters take their course, and the sufferers will not be the Government but the people of the Dominion. I think it would have been but right to have appointed a native of the country to the North-West Council, and a similar course should have been pursued in appointing stipendiary magistrates. It is absolutely necessary that something should be done to prove to the native population they are not to be treated as mere "hewers of wood and drawers of water." They are as intelligent as any people in the Dominion, and I do not see why it is that up to the present time not a position has been found for any of them. Not even a messenger has been taken from among them in any of the public offices in the North-West. I thought it my duty to

call the attention of the Government to the condition of affairs in the North-West. Everyone will understand the importance of quieting the uneasiness which prevails in that country. Indeed, the consequences may be dreadful, unless the Government give their serious attention to this important matter.

Hon. Mr. BROWN moved the adjournment of the debate.

Motion agreed to.

## THE PACIFIC RAILWAY ROUTE.

### MOTION TO PRINT EVIDENCE.

Hon. Mr. GIRARD moved,

“That the evidence taken from time to time before the Select Committee appointed to continue the investigation and to inquire into all the questions relating to the purchase of the property at Fort William for a terminus to the Canadian Pacific Railway, be printed for the use of the members of this House, but that no copies thereof be delivered, except to the members of the committee until further order.”

The motion was agreed to.

The House adjourned at 10:20 p. m.

## THE SENATE.

Friday, March 22nd.

The SPEAKER took the chair at three o'clock, p. m.

After Routine proceedings.

## THE CAUGHNAWAGA RAILWAY.

### MOTION WITHDRAWN.

Hon. Mr. BUREAU asked leave to withdraw the following motion:—

“That the following petitions, namely, of the Rev. James Fulton, Master of Arts, and Rural Dean, and others, of Franklin, in the County of Huntington; of the Rev. J. Dequoy, Priest, Curé of the Parish of Saint Michel Archange; and of the Rev. J. E. Perreault, Priest, and others, of the Parish of Saint Remi, in the County of Napierville; of Jean Baptiste Jodoin, and others, of the  
Hon. Mr. Girard.

“Parish of Saint Urbain; of the Reverend J. C. G. Godin, Priest, Curé of the Parish of Saint Philoméne; of J. Dupuis, of the Parish of Chateauguay, in the County of Chateauguay; and of the Rev. O. Blanchard, Priest, Curé, and others, of the Parish of Saint Isidore, in the County of Laprairie, be referred to a Select Committee, to consist of the Honorable Messrs. Pelletier, Ferrier, McLellan (Londerry), Wark, Leonard, Dickson, Hope, Alexander, Bell-rose, Trudel and the mover, who are to enquire into the subject of which the Petitioners complain, with power to send for persons, papers, and records, to report from time to time to the House, and to examine witnesses on oath, seeing that it is desirable to have recourse to that proceeding.”

Hon. Mr. GIRARD asked for explanations.

Hon. Mr. BUREAU said his reason for asking leave to withdraw the motion was that the difficulty had been settled to the satisfaction of all parties interested. Mr. Hickson, the Manager of the Grand Trunk Railway Company, had done all that could at present be accomplished to redress the grievances complained of, and had given his promise that the demands of the petitioners should be complied with. Under the circumstances, the petitioners having obtained what they desired, there was no necessity to press the motion.

The motion was withdrawn.

## PURCHASE OF AMERICAN SILVER COIN.

### MOTION FOR A RETURN.

Hon Mr. WILMOT moved,

“That an humble address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House a detailed statement of all expenses, commissions and disbursements made by Government for the purchase of American Silver coin since the 1st day of July, 1867, and to whom paid; the amount of Debentures issued for such purpose, and at what rate of interest, and under what statute or authority they were issued, what amount was paid out of current revenue, what amount of Debentures have been paid, and what amount are still outstanding, also, the amount of fractional currency issued, and the amount still outstanding.”

The motion was agreed to.

## CONTAGIOUS DISEASES OF CATTLE.

### ENQUIRY.

Hon. Mr. HAYTHORNE inquired,

“With reference to the Cattle Diseases Bill, now or lately under consideration in the Imperial Parliament, whether any, and if any, what action has been taken to guard the interests of the Dominion; also, whether the Order in Council prohibiting the importation of European Cattle has been suspended?”

He said:—I have become aware, through the English mail, of the fact, that a Bill to prevent the spread of contagious diseases among cattle, has been introduced in the House of Lords and has made some progress before them. One of its clauses renders it imperative that all foreign cattle—our healthy Canadian cattle as well as those from the parts of Europe where contagious diseases prevail—shall be slaughtered at the port of landing in the United Kingdom. This Act, if applied to Canadian stock, would almost annihilate the promising trade which has sprung up between the Dominion and the ports of Great Britain in live cattle. I felt it incumbent upon me, as one interested in this trade, to ascertain as far as possible whether any steps have been taken to guard the interests of Canada from injury by this measure. By reference to the columns of English papers, I have reason to believe that up to the 20th of February last, and I see by a writer in the *Montreal Herald* of the 19th instant, up to the 21st of February, no change had been made in the clause to which I have referred. The writer states that up to that date the Bill contained no exemption for Canadian cattle from the operation of that stringent clause alluded to. Under these circumstances I make the enquiry of which I have given notice.

Hon. Mr. PELLETIER—I am sure that every hon. member in this House will be as grateful as myself to the hon. Senator for having brought up this important matter. Since the early part of this month, great uneasiness has prevailed through the whole Dominion, on account of the measure presented by His Grace the Duke of Richmond, in the Imperial

*Hon. Mr. Haythorne.*

Parliament—a Bill intituled: “An Act for making better provision respecting contagious and infectious diseases of cattle and other animals.” This Bill, inasmuch as it concerns Canada, is of the greatest importance for our cattle trade with England, and if passed would nearly amount to prohibition. The principal clause of the Bill which effects Canadian interests, provides that foreign animals are to be landed only at a part of a port defined for that purpose by Order-in-Council, to be called a Foreign Animals’ Wharf. They are to be landed in such a manner, at such times and subject to such supervision and control as the Minister of Customs may from time to time direct, and they are not to be removed alive from the wharf. These are very strict regulations indeed. The quarantine regulations to be applied to animals for dairy or breeding purposes, or for exhibition, are also of such a strict nature, that they can hardly be complied with. The Government have fully understood the importance of the matter, as one which concerns more directly our export trade, and have lost no time in making most urgent representations to the Imperial Government, to modify the Bill so far as it concerns Canada. We know that several large companies are extensively engaged in exporting cattle and horses to the United Kingdom. We know they have incurred heavy expense to meet the requirements of a rapidly increasing trade in the exportation of live cattle, and meat. It has now reached such proportions that last year the Dominion Line of Steamers carried 3,513 oxen, 8,000 sheep, 1,215 swine, and 213 horses to Great Britain. We have good reason to believe that this year that trade will be double what it was in 1877. As early as December last, complaints were made to the Government that the exportation of live stock from Canada to the United Kingdom was subject to very severe regulations. The complaint was made that, upon landing the cattle in England from the steamers, and after their confinement in the vessels during their passage across the ocean, they were kept too long at the wharf before they could be examined by a veterinary surgeon. We made representations to the Imperial Government by an Order-in-Council, which was as follows:—

“ Copy of a Report of a Committee of the  
“ Honorable the Privy Council, approved  
“ by His Excellency the Governor-General  
“ in Council, on the 24th December,  
“ 1877 :—

“ On a report dated 22nd December, 1877,  
“ from the hon. the Minister of Agriculture,  
“ stating that representations have been made  
“ to him by parties extensively engaged in the  
“ exportation of live stock from the Dominion  
“ to the United Kingdom, to the effect that  
“ upon the landing of cattle from the steamers  
“ after their close confinement during the  
“ whole of the passage across the Atlantic,  
“ they are penned up in the dockyards for 12  
“ or 15 hours, and thus kept standing on slip-  
“ pery, hard flag-stones, pending an examina-  
“ tion by a veterinary surgeon and Government  
“ inspector, and he represents that from this  
“ cause a very great hardship is imposed upon  
“ the owners of cattle, and that the commercial  
“ value of the animals is seriously deteriorated.  
“ That there would seem to be no reason  
“ why cattle from Canada, where no disease  
“ exists, should not be placed in as favorable  
“ circumstances as cattle landed from ports of  
“ the United Kingdom, or, if this cannot be  
“ allowed, that at least suitable quarantine  
“ fields should be provided, in order to prevent  
“ the infliction of unnecessary cruelty to the  
“ animals.  
“ The Minister recommends that a copy of  
“ this minute be transmitted to the Imperial  
“ Authorities with a request that action be  
“ taken in the sense herein recommended.  
“ The Committee concur in the foregoing  
“ recommendation, and submit the same for  
“ Your Excellency's approval.  
“ Certified,

“ W. A. HIMSWORTH,  
“ C. P. C.”

A copy of that order in Council was promptly sent to the Imperial authorities. Lately, when the alarm was created in Canada by the introduction of the Duke of Richmond's Cattle Bill, due representations were again made to the Imperial Government, setting forth how disastrously that measure would affect Canada, unless modified. The first information we received was the following telegram from Sir John Rose :—

“ LONDON, March 5th, 1878.

“ New Bill requires slaughter all live stock  
“ port arrival. Important. Cable any objections  
“ Colonial Office immediately. Discussion Lords  
“ to-night. Telegraph views privately.

(Signed) JOHN ROSE.”

Immediately on receipt of this cable, the Premier sent the following reply to Sir John Rose :—

“ OTTAWA, 5th March, '78.

“ Make every effort to procure exemption of  
“ Canadian cattle. No disease of any kind  
“ Hon. Mr. Pelletier.

“ here. Let provision be made, if necessary for  
“ act to apply when disease appears.

(Signed) A. MACKENZIE.”

The same day His Excellency the Governor-General, at our request, kindly telegraphed to the Colonial Office :—

“ My Government represent that slaughter  
“ of cattle on arrival at port, as required by  
“ Bill under consideration, will be fatal to Can-  
“ adian trade, and urge that Canadian cattle  
“ should, in the absence of all disease in Cana-  
“ da, be admitted as at present.”

On the 11th instant, thinking it was advisable to make more pressing representations on the matter, the following Order-in-Council was passed, and a copy promptly forwarded to the Imperial Government with our best recommendations :—

“ Copy of a Report of a Committee of the  
“ Honorable the Privy Council, approved  
“ by His Excellency the Governor-General  
“ on the 11th March, 1878 :—

“ The Committee of Council have had before  
“ them a memorandum dated 8th March, 1878,  
“ from the Hon. the Minister of Agriculture  
“ representing that alarm has been created  
“ amongst persons interested in the cattle trade  
“ with England, at the announcement that the  
“ Bill introduced by His Grace the Duke of  
“ Richmond in the British Parliament, if ap-  
“ plied to Canada, will, if it become law, inter-  
“ fere materially with the Canadian trade as  
“ now carried on, inasmuch as it would neces-  
“ sitate the slaughtering of the animals on their  
“ landing at the port of debarkation, thereby  
“ preventing their owners from seeking the  
“ best possible disposal of their stock.

“ That the precautions taken by Canada, the  
“ result of which has been to keep the cattle  
“ of the country in a very healthy condition, at  
“ no small inconvenience and expense to  
“ owners and importers, would seem a sufficient  
“ guarantee, taken together with the inspection  
“ of the cattle on their arrival, for securing to  
“ Canada the advantages heretofore enjoyed,  
“ and recommending that the Imperial author-  
“ ities should be informed that the Dominion  
“ Government has taken the greatest possible  
“ pains to prevent any contagious diseases  
“ reaching Canadian cattle.

“ That there has been to the present moment  
“ no indication of disease of any kind amongst  
“ cattle in the Dominion.

“ That a rigid quarantine has been maintained  
“ prohibiting the importation of cattle from  
“ Europe where disease prevails, and that Can-  
“ ada should be exempted from the application of  
“ any law or regulation requiring the immediate  
“ slaughtering of cattle on their debarkation in  
“ England.

“ The Committee concur in the foregoing re-  
“ commendation and submit the same for Your  
“ Excellency's approval.

“ Certified,

“ W. A. HIMSWORTH,  
“ C. P. C.”

On the 13th of March, the Hon. Premier received this encouraging telegram from Sir John Rose :—

“ Government refer Bill to Select Committee to examine Canada case. Am getting necessary information (for) their consideration next week.”

On the 13th of the present month a telegram from the Colonial Office to His Excellency the Governor-General confirmed the information that the Bill had been referred to a select committee, and our objections had been pressed upon the Privy Council. On the 16th inst. the Premier telegraphed to Sir John Rose to get more information from Mr. Dyke, our agent at Liverpool, who knows all about our trade, and bring him before the Committee. On the 18th inst., the Premier received this reply :

“ All necessary witnesses summoned. Committee to-day.

“(Signed) JOHN ROSE.”

Since that we have had no further tidings, but we have every reason to believe the Committee will favorably entertain our representations. No person could be more thoroughly qualified to watch the interests of Canada than Sir John Rose. I am sure the House will admit that every possible means has been adopted by the Government to have the Bill modified, and I believe that our representations will be most effectual in securing an amendment such as we desire. As to the last part of the enquiry of the hon. gentleman, I may state that this Order-in-Council has not yet been suspended, but in view of the representations of many persons interested in that trade, and of the fact that no contagious diseases exist in England or other countries at present, we think the prohibition need no further be maintained. But, in order not to expose our cattle in Canada to disease I telegraphed as follows, on the 16th instant, to Professor Simonds, President of the Royal Veterinary College, of London :—

“ Is there danger (of) rinderpest in removing prohibition of cattle from entering Canada? Please cable opinion.”

He telegraphed the following reply :—

“ No danger of rinderpest from England. Great Britain free.”

I think with those precautions we should no longer maintain that prohibi-

*Hon. Mr. Pelletier.*

tion, and I may inform the hon. gentleman it is the intention of the Government to remove it as soon as possible if we receive no news to justify us in continuing it. In the meantime we will take good care to maintain the severe quarantine hitherto enforced with respect to the importation of foreign cattle. I think the hon. gentleman will agree with me that the Government have given every attention to this subject.

Hon. Mr. GIRARD—I would ask the hon. Minister of Agriculture if there is any provision to prohibit the importation of diseased cattle into Manitoba and the North-West? Every year large numbers of Texas cattle are brought into that country, from some of the Western States. While it cheapens the price of beef, it is well known that those Texas cattle often carry with them contagious diseases. In Minnesota and other States of the neighboring Union, there are very stringent regulations against the importations of such cattle at certain seasons, and heavy penalties are imposed for any violations of those rules. During the late Session of the Manitoba Legislature, a Bill was passed to subject cattle brought into the Province, to quarantine. It was understood the Legislature could pass no act interfering with trade and commerce, so that the measure adopted only relates to cattle that are found to be diseased when they are inside the Province. There is a provision in the Act that the herd shall be quarantined for a while, and the owner shall not have possession of them until after it is established by a veterinary surgeon that the disease has disappeared from the herd. But we have no power to prohibit the importation of diseased cattle into the Province. We have a good breed of cattle, and it would be difficult to supply their place if they were swept away by some disease. They were introduced into that country by the Hudson Bay Co., and we know that every step they took in the interest of the Red River country was for the best. They imported their stock from Scotland, and the cattle in that part of the world, as every one knows, are of the best breeds. Stringent regulations should be adopted to protect us from the possibility of a cattle plague being brought into our province. I would ask the hon. Minister in

what way we could guard our interests under existing circumstances.

Hon. Mr. PELLETIER—No case of contagious disease among the cattle has been known of in Manitoba up to now. The best answer to the hon. Senator is that his province is more protected than any other part of Canada. No cattle can reach it except through the United States. I do not believe anyone would venture to take cattle in by way of the Dawson Route, and under the laws of the Western States, none can pass that way from the Southern States before the 1st of November, after the frost sets in, when there is no danger to be apprehended from disease. The Western States have protected themselves by their own internal laws, and all the cattle that come from the Western States are as sound as ours, so that no disease need be feared in Manitoba. As long as there is no direct road from this part of the Dominion to Manitoba, there certainly can be no necessity for any more protection than exists now.

Hon. Mr. GIRARD—These cattle I speak of come from the vicinity of the North-West Territory, and come to Manitoba by way of the North-West. They arrive generally in the month of June or July, and remain there during the summer season, which is the very time when there is danger of disease being communicated. I merely wish to draw the attention of the Government to a danger which exists, in order that they may take steps to protect the interests of Manitoba.

Hon. Mr. CAMPBELL—The information given to the House by the hon. Minister of Agriculture is, I am sure, interesting to us all, and seems to come very *apropos*, most of it being recent, and one telegram being dated yesterday. I think I may congratulate the hon. Senator from Prince Edward Island on the curiosity which he has evinced so opportunely, and the Minister of Agriculture, on the information which he is able to furnish the House in response to his question.

Hon. Mr. KAULBACH—The information we have just heard from the hon. Minister of Agriculture shows the influence which the agricultural interest in England is beginning to have on the legislation of the country. It shows they

*Hon. Mr. Girard.*

are alive to the necessity of protecting home industries.

Hon. Mr. PELLETIER—The hon. Senator from Kingston seems to insinuate that I instigated this inquiry.

Hon. Mr. CAMPBELL—I insinuated nothing.

Hon. Mr. PELLETIER—If that is his impression, I may say that no word of the kind passed between the hon. Senator from Prince Edward Island and myself.

Hon. Mr. CAMPBELL—It is a very happy coincidence.

Hon. Mr. MILLER—It is very strange that a construction should be placed upon the remark which was not intended by the leader of the Opposition.

## THE PUBLIC EXPENDITURE OF THE DOMINION.

### THE DEBATE CONTINUED.

The order of the day having been called for resuming the debate on Mr. Macpherson's notice,

“That he will call attention to the public expenditure of the Dominion, specially that portion of it which is largely within the control of the Administration, and will inquire of the Government how it is proposed to restore the equilibrium between income and expenditure.”

Hon. Mr. BROWN said:—I rise to make a few observations on the subject that has been brought under our notice by the hon. Senator opposite, (Mr. Macpherson), and which was under discussion when we adjourned last night. But, before proceeding to do so, I trust the Senate will bear with me for a moment while I say a few words in regard to the form in which this matter has been presented to us by the hon. Senator, and the peculiar character of the debate which has arisen from it. The notice given by the hon. gentleman was of a definite question to be put to the Secretary of State. Now, as the rules of the Senate do not debar discussion on putting a question to the Government, of which notice has been formally given, I take no exception to discussion having been raised now. I think our rules should be amended on this point, but this is not the time to consider that. But what I do

desire to call the special attention of the Senate to is the inconvenient and unjust use that has been made of this laxity of order on the present occasion. Under cover of this notice of a question that might have been put and answered in two minutes, the hon. gentleman rises to discharge a furious phillippic against the Administration; rambles over the entire field of party politics; drags in every conceivable and inconceivable matter that he supposes will serve his purpose of detraction; indulges in errors and mis-statements without end; and fulminates wild charges of waste and extravagance that have been again and again shown to be utterly groundless. Nay, the hon. gentleman ventured to go still further than this—he ventured to insinuate, without name, place, or date being given, what he must have known amounted to a charge of fraud on the part of the Administration—

Hon. Mr. MACPHERSON—In what instance did I do that?

Hon. Mr. BROWN—The hon. gentleman did it more than once. When referring to the deficits on the receipts and expenditures of 1877, he tried to cast abroad the insinuation that the Public Accounts were not truly made up or the deficit would have been greater. He said that he had been told by somebody or other that accounts were purposely kept back, so as to force a balance and lessen the deficit of the year. He deplored the unreliability of committees of the House of Commons, and hinted at a Royal Commission as the only mode of getting at the facts. And this outrageous insinuation he accompanied with the intimation that he could not vouch for the truth of the story he had been uttering, and would not be held responsible for it. In all my knowledge of parliamentary discussion I have never known so grave a charge preferred against the Government of the day, without fact or probability to sustain it, and with so mean a loophole of escape from responsibility coolly attached to it. And the hon. gentleman in his statement was as reckless of the interests of his country as he was unjust to the Government. I am confident I am within bounds when I say that a hundred charges of greater or less magnitude were discharged or insinuated by the hon. gentleman against the

*Hon. Mr. Brown.*

Administration—one or two of them probably based on acts as to which difference of opinion might honestly exist, but the great mass of them utterly baseless. For example, only think of the hon. gentleman bitterly assailing the Administration because, as he alleged, every immigrant who arrived in 1875-6 cost the country, \$26.65, when in fact, it was but \$8.85 that year, and \$4.08 in 1876-7.

Hon. Mr. MACPHERSON—My statement was strictly correct and I shall prove it.

Hon. Mr. BROWN—The hon. gentleman may strive to escape by a play upon words—by pleading that he only meant the immigrants arriving at Quebec—but this plea cannot be entertained. He well knew that 25,633 immigrants arrived at all points in the Dominion in 1875-6, and what excuse can he pretend for placing the whole cost of this large number on the 7,063 of them who arrived *via* Quebec, and representing the average cost *per capita* thus obtained as the average of the whole number? I heard distinctly what the hon. gentleman said—we all heard it—and I defy him to find one person who heard him, or one person who has read his pamphlet, who did not understand his charge to be that every immigrant coming into the country in 1875-6 had taken \$26.65 from the public chest. Now, then, I ask the Senate, if it is reasonable, if it is just, if it is for the public benefit, that the members of the Government for the time being in this House, and indeed the whole of us—for we are all interested in repelling unjust accusations against the Government of our country—should be expected to rise at the moment and refute on the spot such a precious conglomeration as this, at the risk of piling blunder upon blunders and confusing the public mind? We have been discussing this matter for a number of days—and with so boundless a field to range over, we may go on discussing for a month without getting nearer a solution than we are to-day. I can understand how the discussion of two, or even three, points of public policy may be conducted together profitably in this Chamber—but I cannot, I confess, comprehend how a hundred points of detail that have never before been discussed here, either openly or in committee, can be usefully considered together

in open debate across the floor. The British Parliamentary system wisely provides that the control of the details of money bills—that the power which makes and unmakes ministries—shall rest with the popular branch of the Legislature. It does not admit of two Chambers equally powerful and possibly discordant with each other. Two separate bodies cannot speak the well understood wishes of the people, unless they happen to be in harmony. The power of the purse-strings is, therefore, most wisely lodged with the representatives of the people. We are not elected by popular vote; we are appointed by the Crown on the nomination of the Dominion Government of the day; we are appointed for life; we cannot be removed except for cause; our numbers cannot be increased except with our consent;—practically we are directly responsible for our acts as legislators to our own consciences only. I ask the Senate, then, if this Chamber is a fitting theatre for such wholesale railing discussions as the present? The Lower House has all the appliances for rigid examination into the details of money expenditures—but we have not. Every shilling of public expenditure must be authorized before the money is paid—and for criticising the estimates closely and wisely the Commons have ample facilities that we do not possess. The Minister of Finance sits in the Lower House; he is practically conversant with every transaction of the year; he opens the Budget; he frames and proposes all changes of tariff or taxation; he discloses the financial policy of the Government; and he stands prepared to defend at any moment every feature of that policy. Then come the Committees of Ways and Means and Supply, in which the estimates of the year and all proposals of revenue changes are overhauled critically and severely for many days in succession, and questions are put and answered on the moment, on every doubtful point, with a degree of freedom and plain speech that could hardly be surpassed. And then, again, at the opening of the following Session the Public Accounts Committee is hard at work comparing the sums granted with the sums spent, narrowly criticizing every item, and gathering full information on every point for the coming debate on the Supply Bill. I ask the Senate if it is convenient that we should set up here rival

Finance Ministers and Finance Committees to control the action of the popular branch on such matters? I ask if it is not wandering beyond our province? If it will add either to the usefulness or the dignity of this House? If I am rightly informed, this reckless raid into the territory of our neighbours is the first thing of the kind that has happened for many years; and I respectfully submit for the consideration of the Senate whether it ought not to be the last. With these remarks I return to the bill of complaint of the hon. gentleman opposite. The hon. gentleman is full of complaints and lamentations. He don't like the present Ministry; he has no faith in Committees of the Commons; he has no faith in the Public Accounts; he has no faith in anybody or anything. The whole world is agee with him. Why, he actually started his speech the other evening with a wail of lamentation that his speeches and pamphlets had not been answered by any one—had not been touched. Now, though I was not fortunate enough to be present last Session when the hon. gentleman began his attack, I read the speeches of my hon. friend the Secretary of State (Mr. Scott) and those of other able members of this House in reply to the hon. gentleman, and I confess it appeared to me that nothing could be more effective or convincing than those replies. As to his pamphlets, I do think that if the brilliant and withering speeches of Mr. Cartwright and Mr. Mackenzie in the West did not satisfy him, the hon. gentleman must indeed be hard to please; but had any one vestige of him been left after passing through their hands it must certainly have disappeared under the scathing comments of the press. In my own humble way, I was prepared to say a word when the hon. gentleman made his first motion in the early part of this Session; but when it came on the hon. gentleman so modified his tone, he was so mild of speech, so careful in making charges, so laudatory of the Premier and the Finance Minister and everybody else—the whole poison of the thing had so completely oozed out of it—that there was very little left to reply to. But spite of all this, here is the hon. gentleman again with all his fallacies and his oft-repeated charges fresh as ever. True, there is a change. Last Session the hon. gentleman came to us in the garb of the

righteous man grieved to the heart at the wickedness of the world around him ; now he comes to us as the avowed partizan, satisfied with nothing, distorting everything, and calling down fire to consume the men who govern the land. And I am free to confess that the hon. gentleman had special cause for this extreme indignation in 1876 that he did not possess in 1877. Not only have the retrenchments of 1875-6 been steadily continued in 1876-7, and large reductions of expenditure effected, but the revenue begins to take an upward turn and the national balance-sheet is much less unsatisfactory than under all the circumstances was fairly to have been anticipated. It is so hard to have all one's prophecies and prognostications ruthlessly knocked on the head. Who can wonder that the hon. gentleman is cross, querulous, and wild in his statements? He takes in one hand a list of the expenditures of 1875-6, and in the other a list of those of 1876-7 ; and he reads aloud the several items in each and compares them together. Does he come to an item in which the disbursements of the latter year exceed by a few dollars those of the former year, he exclaims, Oh, such wickedness ! Ruin and desolation ! Has he to confess a saving of say \$50,000 on the next item, at once he becomes philosophical. " Ah ! reductions are not always sound economy." " Penny wise and pound foolish." He " don't value such a reduction at much"—but " if he did, who is entitled to the credit of it ?" Why who but the hon. senator himself—" I, said the sparrow, with my little arrow I killed Cock Robin !" Is a saving of half a million disclosed on a single item, he is horrified. What, half a million in one year ! Scandalous ! Disgraceful ! He cares not who does it or how it is done, such a reduction is utterly unjustifiable ! In short, nothing will please the hon. senator, and I shall not try to please him ; but if the Senate will give me its attention for a very brief space, I think it will not be very difficult to show the utter groundlessness of the hon. gentleman's got-up case against the present Government. One great fallacy—shall I call it a fallacy or a wicked misrepresentation ?—underlies all the financial calculations and accusations of the hon. gentleman. His entire fabric rests on the pretence that Sir John A. Macdonald's Government was responsible for the expenditure of the

*Hon. Mr. Brown.*

country only up to the 30th June, 1873, and that the present Government are responsible from that date. But what are the facts? Why that Sir John Macdonald's Government was in office until November, 1873,—that in April, 1873, his Government passed and carried the Supply Bill for the entire financial year commencing 1st July, 1873, and ending on 30th June, 1874—that the Mackenzie Government took office late in that year, and had no choice but to carry out the programme framed by their predecessors and adopted by Parliament ; and that before the elections were over and Parliament could be called again the financial year was near its close. The pretence that the present Government is responsible for the expenditure of 1873-74 is so preposterous and mendacious that it is amazing any sane person could be found to set it up for a moment. Why, then, is the hon. gentleman so daring as to do this, and to cling to it, and re-assert it, in defiance of common sense? Why, simply because the Legislative and Executive action in 1873-4 caused a complete revolution in the financial affairs of the Dominion. The Macdonald Government in that year capped the climax of its reckless administration, and the country has ever since been weighed down by the pressure of the enormous responsibilities it left as a legacy to its successors. The Macdonald Government was formed in 1867, and controlled the public finances until the 30th June, 1874 ; let us see then how the annual public expenditure increased in their hands. They were :—

In 1867-8 .....	\$13,486,092
In 1868-9 .....	14,038,084
In 1869-70 .....	14,315,509
In 1870-1 .....	15,623,081
In 1871-2 .....	17,589,468
In 1872-3 .....	19,174,647
In 1873-4 .....	23,316,316

It will thus be seen, that in the four years from 1867-8 to 1870-1, the annual expenditure rose two millions of dollars ; that in the succeeding two years it rose three millions and a half more ; but that in the next succeeding year—that of 1873-4, which the hon. Senator (Mr. Macpherson) so indecently seeks to fasten on the present Government—the annual expendi-

ture went up at one jump, the enormous additional sum of \$3,768,300. And to show clearly how this vast increase arose, and how entirely the late Government were responsible for it, I have taken from

the Public Accounts, comparative lists of each item of expenditure in the years 1872-3 and 1873-4 respectively, and will now read it:—

	1872-3.	1873-4.	Increase.	Decrease.
Interest.....	\$5,209,205	\$5,724,436	\$515,231	
Charges of Management of Debt.....	172,981	238,003	65,022	
Sinking fund.....	407,826	513,920	106,094	
Discount exchanged.....	5,663	26,650	21,017	
Subsidies to Provinces.....	2,921,399	3,752,757	831,358	
Civil Government.....	750,874	883,685	132,811	
Administration of Justice.....	398,966	459,037	60,071	
Police.....	49,813	56,387	6,574	
Penitentiaries.....	270,661	395,551	124,890	
Legislation.....	614,487	784,048	169,561	
Geological Survey.....	64,631	97,824	33,183	
Arts, Agriculture, and Statistics.....	10,690	19,091	8,401	
Census.....	57,766	39,470		18,096
Emigration and Quarantine.....	287,368	318,572	31,204	
Marine Hospitals.....	48,150	66,462	18,312	
Pensions.....	49,204	56,453	7,249	
Superannuation.....	53,026	64,442	11,416	
Militia.....	1,248,663	977,376		271,287
Public Works.....	1,597,614	1,826,001	228,387	
Ocean and River Steam Service.....	456,190	407,701		48,489
Lighthouses.....	480,375	537,037	56,662	
Fisheries.....	97,878	76,247		21,631
Steamer Inspection.....	13,266	10,292		2,974
Insurance Inspection.....				
Miscellaneous.....	63,849	102,160	38,311	
Indian Grants.....	63,777	146,068	82,291	
Dominion Lands.....	237,676	283,163	45,487	
Mounted Forces, Manitoba.....	147,368	209,169	61,801	
N. W. Organization.....		199,159	199,159	
Boundary Survey, U. S.....		12,262	12,262	
Boundary Survey, Ontario.....		89,293	79,293	
Military Stores.....		2,430	2,430	
Customs refunds former years.....		144,906	144,906	
Settlers' Relief, Manitoba.....		69,330	69,330	
Excise.....	567,766	658,209	90,533	
Weights and Measures.....	171,705	206,935	35,230	
Inspection of Staples.....				
Adulteration of Food.....				
Culling Timber.....	69,692	82,886	13,894	
Post Office.....	1,067,866	1,387,270	319,404	
Public Works.....	1,496,185	2,389,679	893,494	
Minor Revenues.....	22,263	11,371		10,892
Total.....	\$19,174,647	\$23,316,316	\$4,141,669	\$373,369

I call the attention of the Senate to three facts that are established by this comparison:—First, that out of the 39 items that constituted the entire expenditure of the year 1873-4, 33 of them were largely increased by the late Government beyond the sums paid for the same service the previous year; second, that the increases on these thirty-three items came to \$4,

141,219, and the decreases on the remaining six items of expenditure to \$373,369, showing the net increase of expenditure in that one year to have been \$3,768,300; and, third, that the great mass of the increases were of such a character that they could not have been reduced by the incoming Administration. And, as illustrative of the style of some of these large

increases, let me recall to the attention of the House the enormous creation of new offices and additions to existing salaries that were made by Sir John A. Macdonald's Government in that year—just before they were ejected from office, and while already in the throes of dissolution. I hold in my hand the official return, and I find that under these scandalous circumstances no fewer than 629 new appointments were made in the departmental offi-

ces alone, with salaries attached to them of \$322,943 per annum; and that additions were made in the same manner to the salaries of 1381 employes in the same departments amounting to \$152,350 per annum. The annual burden involved in these 2,010 transactions amounted to the enormous sum of \$475,239 per annum, or the annual interest on more than ten millions of dollars? Here is the official return:—

Department.	Appoint-ments.		Increases.		Total.	
	No.	Amount.	No.	Amount.	No.	Amount.
Governor-General's Office .....	..	Nil.	3	\$350	3	\$350
Privy Council .....	1	\$700	6	820	7	1,520
Secretary of State .....	9	4,690	9	1,650	18	6,340
Public Works .....	28	21,546	171	19,074	199	40,620
Justice .....	75	77,800	11	1,760	86	79,560
Interior .....	19	14,070	25	5,010	44	19,080
Customs .....	111	58,076	636	67,185	747	125,262
Militia .....	6	5,600	18	2,677	24	8,277
Inland Revenue .....	84	30,515	96	16,550	180	47,065
Finance .....	17	15,400	24	2,650	41	18,050
Receiver-General .....	2	1,600	7	1,200	9	2,800
Agriculture .....	41	35,025	15	2,178	56	37,203
Marine and Fisheries .....	169	21,900	49	9,025	208	30,925
Post Office .....	77	36,020	311	22,220	388	58,240
Totals .....	629	\$322,943	1381	\$152,350	2010	\$475,292

Everyone of these new appointments and increases of salary were the work of the Macdonald Administration—but in order to throw the odium of these acts on their successors, the hon. gentleman audaciously represents them as responsible for all financial transactions after the 1st of July, 1873, instead of the true date, 1st July, 1874. And as with the annual public expenditures, so as to the

public debt—has the hon. gentleman resorted to the same disingenuous contrivance. When the Macdonald Ministry assumed office in 1867, the public liabilities of the Dominion amounted to \$93,046,051; less assets, \$17,317,410— or a nett Public Debt of \$75,728,641. The following figures show how the debt increased in their hands:

	Gross Debt.	Assets.	Nett Debt.
July, 1867 .....	\$93,046,051	\$17,317,410	\$75,728,641
July, 1868 .....	96,896,666	21,139,531	75,757,135
July, 1869 .....	112,361,998	36,502,679	75,859,319
July, 1870 .....	115,993,706	37,783,964	78,209,742
July, 1871 .....	115,492,682	37,786,165	77,706,517
July, 1872 .....	122,400,179	40,213,107	82,187,072
July, 1873 .....	130,778,098	30,929,636	99,848,462
July, 1874 .....	141,163,551	32,838,586	108,324,965

It will be seen from these figures that, in the first five years of the Macdonald Ministry's existence, the net debt increased \$2,000,000; but that in the sixth year it rose \$4,500,000 beyond what it had ever been before; that in the seventh

year it rose no less than \$17,700,000 beyond the high point of the previous year; and that in 1873-4—for which the hon. gentleman pretends to hold the present Ministry responsible—it rose \$8,500,000 still higher than the swollen

figure of 1872-3. The House will see at once how easy it was for the hon. gentleman to construct a case against any in-coming Ministry by thus dating back their responsibility one year and charging them with the enormous expansion of his own friends in 1873-74. "Behold," exclaims the hon. gentleman, "what the public debt and the annual expenditure were in July, 1873, when the Macdonald Government resigned—and now see what the present men have brought them to in July, 1876!"—thereby placing on the shoulders of the present Ministry \$8,500,000 of increased debt and \$3,768,300 of annual expenditure for which they were in no manner responsible. But the hon. gentleman had a still stronger reason than even these I have named for manipulating the record, and dating a year back the responsibility of the present Government. Sir John A. Macdonald's Government pledged the credit of the country for public works to a vast amount; and left the burden of carrying them through as a legacy to their successors. Here is a list of engagements the new Ministry found awaiting them when they came into power:—

structure falls to pieces when placed on a just basis. Having thus established the true position of affairs at the time the present Ministry took office. I now proceed to show the results of their Administration in the three years of their reign for which we have returns. And first as to the Public Debt. On 1st July last:—

The net Debt was.....	\$133,208,699
On 1st July, 1874, it was.....	108,324,969
<b>Total increase.....</b>	<b>\$24,883,735</b>

Now, the question at once arises, how this great increase occurred? Well, I hold in my hand an official return that solves that question very distinctly. It shows that in these very three years there was expended on public works for which votes had been taken by the Macdonald Government in the estimates of 1873—the sum of \$24,361,920, or within half a million of dollars of the entire amount. Here are the items:

CHARGEABLE TO CAPITAL.

St. Lawrence Canals.....	\$2,133,761
Welland Canal.....	4,816,560
Ottawa Works.....	1,207,645
Baie Verte Canal.....	576
Public Buildings, Ottawa.....	716,156
Nova Scotia and N. B. Railways....	1,204,263
Intercolonial Railway.....	5,248,509
Pacific Railway.....	6,583,958
Prince Edward I. Railway.....	283,632

IMPROVEMENT OF RIVERS.

St. John, N. B.....	13,866
Red River, Manitoba.....	200
St. Lawrence, chains and anchors..	49,008
Frazer River, B. C.....	7,360
Richelieu River.....	29,234
Red River Route.....	292,076

PUBLIC BUILDINGS.

London Immigration Station.....	1,989
Hamilton Post Office.....	7,935
Toronto Customs House.....	138,990
do Savings Bank.....	.....
do Inland Revenue Office.....	17,889
do Examining Warehouse.....	223,338
do Post Office.....	5,933
Quebec do.....	5,339
Ottawa do.....	160,218
Grosse Isle Quarantine Station.....	16,029
Three Rivers Custom House.....	7,981
Montreal Post Office.....	212,460
St. John, N. B., Post Office.....	109,884
Pictou Custom House.....	24,780
Manitoba do.....	72,654
do Penitentiary.....	133,140
British Columbia Public Buildings..	166,933

Canals.....	\$43,800,000
Intercolonial Railway.....	10,000,000
Pacific Railway.....	30,000,000
N. S. and N. B. Railways.....	2,000,000
P. E. I. Railway.....	2,500,000
Minor works.....	4,500,000
Improvements, St. Lawrence.....	2,500,000
Advances.....	1,000,000
	<b>\$96,000,000</b>

In addition to these enormous undertakings, the new Ministry found \$35,000,000 of Public Debentures maturing immediately, for which no provision whatever had been made by their predecessors. And yet, with the perfect knowledge that these vast expenditures were forced on the new Government by his own friends; that they could not escape from executing a large portion of the works begun; and that the public debt and annual expenditure must consequently be greatly increased thereby; the hon. gentleman ventures to speak of that increase as a heinous crime on the part of the present Government and denounces them for it. I say then that the whole of the hon. gentleman's calculations and accusations rest on groundless pretensions; and that his entire

Hon. Mr. Brown.

## HARBOURS AND PIERS.

Collingwood.....	267
Meaford.....	8,502
Inverhuron.....	5,093
Kincardine.....	18,857
Port Albert.....	6,000
Goderich.....	252,886
Port Stanley.....	8,158
Cobourg.....	47,325
Presqu'île.....	10,292
Kingston.....	10,647
Toronto.....	20,910
Owen Sound.....	9,240
Bayfield.....	41,516
Chantry Island.....	133,981
Rondeau.....	30,965
Shannonville.....	2,992
Saguenay.....	6,065
Baie St. Paul.....	15,085
Bathurst, N.B.....	3,876
Richibucto.....	28,411
Dipper.....	12,239
St. John.....	141,369
Petticodiac.....	1,194
Hillsboro'.....	1,500
Macraie's Cove.....	5,004
Tracadie.....	7,564
Liverpool.....	26,831
Mabou.....	12,176
Yarmouth.....	1,000
Oak Point.....	20,042
Ingonish.....	78,668
Ports George and William.....	5,000
Cow Bay.....	80,115
Salmon River and Plympton Harbour	1,200
Big Pond.....	500
Maitland.....	1,061
Total.....	\$24,361,921

So, then, if the Public Debt was largely increased in the three years of the present regime, it was in consequence of contracts

for Public Works left to them as a legacy by their predecessors; and it is not surely from the lips of the friends and eulogists of those predecessors that reproach for it should come. So much for the Public Debt; and now let us see how it has been with the Annual Expenditure during the same three years. I hold in my hand a comparative statement of the several items of expenditure in the year 1873-4 (the last of the late Ministry), and in the year 1876-7 (the latest of the present Ministry of which we have returns), and very far from finding just cause of denunciation of the men now in power in the facts it discloses, I find only ground of rejoicing that they have held the reins with so tight a hand, and were able to restrict the expenditures within so reasonable a compass. In spite of a constantly increasing population, the opening up of new territories, the extension of civilized government into many remote districts, the admission of Prince Edward Island into the Confederation, immense public works going on from the Atlantic to the Pacific, all entailing large additional annual burdens, and many heavy incidental expenses besides that were not borne by their predecessors, this Return shows that large reductions have been effected on the ordinary annual expenditures of their opponents in the year they were driven from office. Here is the statement:—

	1873-4.	1866-7.	Increase.	Decrease.
Interest .....	\$5,724,436	6,797,227	1,072,791	
Charges on Debt .....	238,003	183,454		54,459
Sinking Fund .....	573,920	828,373	314,453	
Discount .....	26,680	24,331		2,349
Subsidies .....	3,752,757	3,655,850		96,907
Civil Government .....	883,685	812,193		71,492
Administration of Justice .....	459,037	565,597	106,560	
Police .....	56,387	11,365		45,022
Penitentiaries .....	395,551	303,168		92,383
Legislation .....	784,048	596,006		188,042
Geological .....	97,814	95,558		2,256
Arts, Agriculture, and Statistics .....	19,091	65,767	46,676	
Census .....	39,470	7,546		31,924
Emigration and Quarantine .....	313,572	353,951	35,379	
Marine Hospitals .....	66,462	62,408		4,054
Pensions .....	56,453	112,531	56,078	
Superannuations .....	64,442	104,826	40,384	
Militia .....	977,376	550,451		426,925
Public Works .....	1,826,001	1,262,823		563,178
Ocean and River Steam Service .....	407,701	462,335	54,634	
Lighthouses .....	537,057	471,278		65,779
Fisheries .....	76,247	96,348	20,101	
Steamer Inspection .....	10,292	13,073	2,781	
Insurance Inspection .....		7,512	7,512	
Miscellaneous .....	102,160	105,507	3,347	
Indian Grants .....	146,068	301,596	155,528	
Dominion Lands .....	283,163	90,521		192,642
Dominion Forces, Manitoba .....	209,169	29,969		179,200
Mounted Police, North-West .....	199,159	352,799	153,590	
North-West Organization .....	12,262			12,262
Boundary Survey, United States .....	79,293			79,293
Boundary Survey, Ontario .....	2,430			2,430
Militia Stores .....	144,906			144,906
Customs Refunds .....	69,330			69,330
Settlers' Relief, Manitoba .....				
Customs .....	658,299	721,604	63,305	
Excise .....	206,935	211,157	5,778	
Weights and Measures .....		111,085	111,085	
Inspection of Staples .....		648	648	
Adulteration of Food .....		4,903	4,903	
Culling Timber .....	82,886	68,171		14,715
Post-Office .....	1,387,270	1,705,311	318,041	
Public Works .....	2,389,679	2,351,832		38,847
Minor Revenues .....	11,371	20,181	8,810	
	\$23,316,316	\$23,519,301		

Thus it appears that the entire expenditures of the Dominion were—

In the year 1876-7..... \$23,519,301  
 And in 1873-4..... 23,316,316

Increase in three years. . . . \$202,985

But this increase was merely normal. There was in fact a large reduction on the controllable expenditure of 1876-7 in comparison with that of 1873-4. During the intervening three years money had to be borrowed to pay for the vast obligations

undertaken by the late Government, and interest on the money so borrowed accrued in the year 1876-7, to the amount of \$1,072,791 in excess of what had to be paid for interest in 1873-4. In 1876-7, too, the sum of \$828,373 had to be paid into the sinking fund for the extinction of the public debt, while in 1873-4 the sum payable into that fund was but \$573,920, creating a compulsory increase of the expenditure of 1876-7, over that of 1873-4, of \$314,453. Then, again, in 1876-7, the

sum of \$301,596 had to be paid towards the extinction of Indian titles in the North-West, or \$155,528 in excess of the charge for that service in 1873-4. These and other similar charges, which had to be paid, which could not be cut down; which were not the act of the present Ministry; created a charge of over \$2,000,000 in 1876-7, that did not exist in 1873-4. The present Ministry retrenched so severely in 1876-7 on the charges within their control, that notwithstanding these great additions to the expenditures beyond their control, the total charges of the year were kept within \$202,985 of what they stood at in 1873-4. I repeat then my conviction that the people of Canada have sincere cause of thankfulness that men are at the helm in these difficult times, who have courage and strength to hold it with so firm a grasp. But the hon. Senator (Mr. Macpherson) is not satisfied with this reduction of nearly two millions of dollars. He growls still—and he attempts to make some special points of objection which, with the leave of the House, I now propose to examine *seriatim*. The first objection he makes I have already noticed incidentally, namely, that the Public Accounts of 1876-77 were not correctly made up—that he has strong suspicion that accounts were kept back in order to force a more favourable balance than the truth would warrant. Now, I repeat that it was utterly unjustifiable on the part of the hon. gentleman to send abroad such an insinuation unless he was prepared to formulate his charge so that it could be met promptly and decisively; and I call upon the hon. gentleman to rise now and state clearly what his charge is, what are the facts, who are the criminals, and move for a Committee of Inquiry into the truth of his insinuations.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BROWN—Does the hon. gentleman understand the gravity of his charge? Does he estimate the effect on the credit of the country of a public statement by a member of this Chamber that the Public Accounts have been falsified? Will it be known abroad as is well known in every corner of Canada, that the men who compose the present Government are utterly incapable of such a deed, and that the thing, come from whence it may, is a foul slander?

Hon. Mr. Brown.

Hon. Mr. MACPHERSON—I told the House what I had heard, and heard repeated so frequently that I had strong reasons to believe it. I said it was not in the power of a Committee sitting in Ottawa to get at the facts, so systematically and so persistently was the thing done.

Hon. Mr. BROWN.—Well, then, I repeat that for an hon. gentleman of the experience and position of the hon. member to make such a statement here without being prepared to prove it, is entirely unwarrantable.

Hon. Mr. MACPHERSON—It is the North-West accounts I refer to.

Hon. Mr. BROWN—I do not care what accounts the hon. gentleman refers to. Let him tell us whose accounts they were, and who it was that systematically kept them back, and what he is prepared to prove before a Committee. I appeal to hon. members on both sides of the House, if it was right to throw broadcast an imputation of this nature without being able to substantiate it. For myself I do not believe one word. The hon. gentleman objects to the expenditure for Mounted Police in the North-West. When he did so it was said across the floor "Your friends did it." "O yes," replied the hon. Senator, "they passed the Act, but they did not put it in force." He is mistaken; I hold in my hand a copy of the Order-in-Council signed by Sir John A. Macdonald, and it sets out every detail of the force, the number of men, salaries, and so forth, precisely as now in operation.

Hon. Mr. MACPHERSON—Was the proclamation issued by the late Government?

Hon. Mr. BROWN—The Order-in-Council was passed by them.

Hon. Mr. SCOTT—The Mounted Police force was brought into existence by an Act passed in 1873.

Hon. Mr. MACPHERSON—My statement was with regard to the weights and measures. I said the Mounted Police had been organized by the late Government.

Hon. Mr. BROWN—Ah, then this objection is wholly withdrawn from the budget of complaints. Next comes the item of weights and measures, \$111,085, and at this the hon. gentleman holds up

his hands in indignation. He was reminded that his own friends were the authors of that measure—and he admitted that they passed the Act; but claimed that they did not put it into operation. But that is a mistake, for they not only were the authors of the measure, but the department had begun their preparations for putting it in force before they left office. The hon. gentleman says it was a bad Act, and I am free to admit that as originally framed it was harsh and unpopular; but it has been greatly improved for the better by the Amendment Act of the present Administration, and I am told that the objections to it are now greatly modified. The advantage of securing a uniform system of weights and measures over the Dominion, and of diminishing if not preventing fraud by false balances, can hardly, I think, be over-rated; and if this can be secured by the expenditure of a moderate sum it will be an inestimable advantage. The hon. gentleman complains however, that so large a sum as \$111,085 should have been spent, and he says the late Government never expected it to cost over \$50,000 a year. Well, it did not cost more than that in 1876-77. The hon. gentleman omitted to state that the sum named included the entire cost of gas inspection as well as of weights and measures; and that over \$50,000 of fees were received last year.

Hon. Mr. MACPHERSON—I stated that.

Hon. Mr. BROWN—Well, that left the entire cost of the measure just what was anticipated by its authors. The hon. gentleman was a member of this House when the Bill passed. His friends were completely supreme in both Houses then. Did he object to its passage?

Hon. Mr. MACPHERSON—I did not.

Hon. Mr. BROWN—Why then does the hon. gentleman complain so fiercely against that which he himself and his own friends did? Is it because their successors did not at once cast it overboard without trial or attempt to amend its imperfections?

Hon. Mr. MACPHERSON—The question is, What Government put it into operation?

Hon. Mr. Brown.

Hon. Mr. BROWN—I apprehend it was Mr. Brunel who put it in operation. The hon. gentleman's next objection is to the item of \$4,903 for the prevention of adulteration of food. He says he cannot see the use of it; but I fancy that no one who takes the trouble of reading the report of the Commission will agree with him. The public benefit that has already arisen from it is very great. Some of the exposures made by the examinations of the Commissioners have been most salutary. The next objection the hon. Senator makes is with regard to the Public Works Department; and what does he say as to that? Why, he is obliged to admit a large reduction, but he says, "as far as he can see, after looking through it, the whole of the reduction is in manual labour. The salaries are not the least altered; the reduction is all on wages." And how else could it be? The hon. Senator knows well that in carrying on great national works a regular staff of skilled men must be always retained, that when the lack of work or lack of revenue compels reductions the effect must fall first on the supernumeraries. It is easy to fill an order for labourers, but you cannot easily get up an efficient staff of skilled overseers and foreman. Does the hon. gentleman attempt to point out any member of the staff who could or ought to have been dispensed with? Nothing of the kind. Had he done so some weight might have attached to his indignation. But when he brings a mere vague railing such as this, it looks more like an anxious desire to hunt up an electioneering cry than anything else. The hon. gentleman then passed on to the item of Contingencies—and I wondered what he would say about it: for I had analysed this item for six years past—three of them under the reign of the late Ministry and three under the present, and I found that in the old reign the amount ran rapidly up every year, and in the new reign it ran as rapidly down. Here are the figures:—

Tory	Reign.....	1871-2	\$153,293
"	"	1872-3	189,174
"	"	1873-4	222,803
Reform	Reign.....	1874-5	208,767
"	"	1875-6	172,548
"	"	1876-7	157,479

Well, what said the hon. gentleman as to this item? He said that there was here a "gratifying reduction"—but "he hoped there were no postponements in

“this case”—that is, that payments had not been systematically left out, and the accounts thereby cooked. And this—though the hon. gentleman cannot name a single instance in which any account, however small, was ever postponed by the present Government.

Hon. Mr. MACPHERSON — Not likely !

Hon. Mr. BROWN—“Not likely” !—why, then, do you permit yourself to make insinuations that you cannot sustain, and that you cannot believe yourself ? Then comes the Administration of Justice—and here the hon. gentleman fires up fiercely at the increase of \$106,560 on that item. The increase at this moment is undoubtedly to be regretted ; but the hon. gentleman knows perfectly well it arose, first, from the establishment of a new Court of Appeal in Ontario, over which the Dominion Government had, under the Act of Confederation, no control ; and second, from the establishment of the Supreme Court of the Dominion, which was anticipated at the Union, which was urgently wanted to give uniformity to the jurisprudence of the whole Dominion and had been too long deferred. We all recollect how often the late Government promised this measure to the country, and as often postponed it from sheer want of firmness to deal with it. By every Government, by every prominent politician, and by every leading jurist, the absolute necessity for a Supreme Dominion Court has been admitted, and I am amazed that the hon. gentleman ventures to condemn it. The hon. gentleman’s next complaint is as to the increased expense of the Customs Department. It amounts to \$63,305 in comparison with 1873-4, and that any increase should have been necessary is undoubtedly to be regretted. But it must be remembered that Prince Edward Island, in the three years’ interval, has joined the Union, and that her Customs establishment had to be added to the expense of the department. Great changes, too, have occurred on the Upper Lakes and throughout the North-West and the Pacific Coast, rendering needful efficient arrangements for protecting the Customs revenue. Then, too, it must be kept in mind that we have had for some time past very severe times, and that during

*Hon. Mr. Brown.*

such periods extreme vigilance is demanded from the Customs Department, smuggling shows itself at such times in its most daring attitudes. The enormous shrinkage in the value of goods, too, must have demanded constant watchfulness at every port to prevent the under-valuation of importations—and that could not be done without extra expense. Hon. gentlemen opposite have had much to say of late about Canada being made a slaughter market for foreign goods ; but what would they not have said had those “slaughter goods” been permitted to be brought into the country without the closest inspection by efficient officers ?

Hon. Mr. MACPHERSON—What of the Montreal Custom House ? Will the hon. gentleman say nothing about the decline of revenue and the increase of expenditure there ?

Hon. Mr. BROWN—I am glad the hon. Senator reminds me of that. What one place loses another place gains ; and I notice that though the revenue at Montreal went down, at Toronto it went up. I cannot pretend to judge as to the exact strength of staff necessary to be maintained at Montreal—but probably the Customs authorities anticipate an early recovery from the severe commercial depression that has unhappily existed at that point—and with that a corresponding recovery of Customs revenue. It was of the Montreal Customs House, I think, that the hon. gentleman ventured to speak as a “sink of corruption.” He said that the Customs Department of the United States was rotten to the core, but it was not worse than we had here.

Hon. Mr. MACPHERSON—I spoke of the New York and Boston Custom Houses. These are the only Custom Houses in the United States I know anything about.

Hon. Mr. BROWN—But be that as it may, it was utterly unwarrantable of the hon. gentleman to apply such words as he did to the Montreal Custom House as now administered, or to any other public department of Canada. It was as totally unwarranted as the insinuation of the hon. gentleman in regard to keeping back accounts to affect the annual balance, which he must have known was a direct impeachment of the integrity of the Auditor-General.

Hon. Mr. CAMPBELL—I think it was not with respect to the keeping back of accounts by the Government; it was with reference to accounts in the North-West—certain purveyors who had spent large sums of money, and of whom the hon. Senator had heard they had kept back their accounts. It is not the accounts the Auditor had anything to do with.

Hon. Mr. BROWN—The hon. gentleman must not attempt to put that colour on the charge now. It is too late.

Hon. Mr. MACPHERSON—I stated it at the time; I did not dream of anything else.

Hon. Mr. BROWN—The hon. gentleman spoke of North-West accounts after I had repeatedly urged him to explain—but his charge was direct and unmistakable, and repeated more than once.

Hon. Mr. CAMPBELL—The charge was not with reference to cooking the public accounts; it was with reference to the transactions of certain officers in the North-West.

Hon. Mr. BROWN—I perfectly understood the hon. gentleman latterly to refer to accounts in the Northwest, but his original charge, and the one he insinuated more than once, was that accounts were kept back at the end of the year to reduce the deficit which honest book-keeping would have shown.

Hon. Mr. MACPHERSON—I did not intend to reflect on the Auditor-General.

Hon. Mr. BROWN—Whatever you meant, you certainly did reflect on all connected with making up the Public Accounts, and you are bound now to say what accounts have been kept back. The hon. gentleman has no right to make sweeping accusations against the Government and evade the distinct specification of what his charge is. But enough of this for the present. Let us pass on to the hon. gentleman's indictment of the Emigration Department. And here he has not only fallen into the most palpable errors, but the calculations and conclusions he has sent abroad in his pamphlets as well as in his speeches are utterly wrong and mischievous. For example, he selects three years as his basis—1872-3, 1874-5, and 1875-6—and he states the en-

*Hon. Mr. Brown.*

tire expenditure in these years to have been as follows:—

In 1872-3 .....	\$277,368
In 1874 5 .....	302,770
In 1875-6 .....	385,845

Now, why did the hon. gentleman state the cost in 1872-3 to have been \$277,368, when the public returns show the actual sum to have been \$287,368?—and why did he omit altogether the year 1873-4, when they were \$318,572? His friends were in office these years—surely that could not afford an explanation of it? And why did the hon. gentleman omit to tell that these were but the gross disbursements of the department—that in every one of these years there were large sums received back that ought to have been deducted? Why did he omit to tell of the Quarantine deductions, the repayments by the Provinces, and the repayments on the Icelandic and Mennonite advances? And why did he ignore entirely the emigrants arriving by Suspension Bridge, Portland and Pembina, and at Halifax and St. John—and coolly assume that no emigrants came to Canada except those by Quebec?

Hon. Mr. MACPHERSON—I stated that I referred to the emigrants by the St. Lawrence.

Hon. Mr. BROWN—Yes, the hon. gentleman dropped that incidentally at the end of his argument—but why did he conceal the fact that while he assumed the immigration of 1872-3 to have been 36,901, his friends, who were then in office, returned it as 50,050, of which 25,920 came by the St. Lawrence? Why did he state that the immigrants of 1874-5 were but 16,038, when the official return of the department shows 27,882 to have arrived of which 12,043 came by the St. Lawrence? What right had he to state that the immigrants of 1875-6 were only 10,901, when the official returns show that 25,633 arrived in the Dominion of which 7,063 came by the St. Lawrence? The hon. gentleman may possibly know more about the matter than anybody else—but why did he omit to tell that his figures were in entire opposition to the official record, and that they assumed a wholesale falsification of the emigration returns by the officers of the Government? And could anything more reprehensible be imagined than for the hon. gentleman,

having thus settled his figures for himself, to ignore all deductions and proceed to average the whole gross cost of immigration on his own assumed numbers, and send that abroad over the land as the cost *per capita* of each immigrant? The result of this manipulation by the hon. gentleman will be seen by the following contrasts of the hon. gentleman's statements and the official returns of the department. And first as to the annual nett expenditure for emigration:—

Mr. Macpherson.	Official Return.
1872-3....\$277,368	..... \$296,617
1874-5.... 302,770	..... 241,600
1875-6.... 385,845	..... 228,077
1876-7.... ..	..... 110,670

And now as to the cost *per capita*:—

Mr. Macpherson.	Official Return.
1872-3.....\$ 7 76	.....\$5 90
1874-5..... 18 90	..... 8 82
1875-6..... 26 65	..... 8 85
1876-7..... ..	..... 4 08

Hon. Mr. MACPHERSON—My statement was strictly correct. The hon. gentleman is reading from the figures handed to him by the hon. Minister of Agriculture yesterday, which are entirely opposed to the Public Accounts. My statements are in strict conformity with the Public Accounts. The hon. Minister of Agriculture said yesterday my figures were incorrect; that my figures included quarantine. That was incorrect. He said I did not deduct refunds from the Provinces; that also is incorrect. They are in the Public Accounts.

Hon. Mr. PELLETIER—But not in your statement.

Hon. Mr. BROWN—The hon. gentleman incurred a serious responsibility in sending such inaccurate statements abroad and making charges against the Government utterly inconsistent with the facts. The first thing we shall have coming to us across the Atlantic will be a newspaper announcement that we pay \$26.55 for every emigrant we get from the Mother Country. What right has the hon. gentleman to assume such a responsibility? Had he carefully studied the report of the Minister of Agriculture he would have found the facts all as now stated. The hon. gentleman's next subject of attack is

*Hon. Mr. Brown,*

the Militia Expenditure, which shows a reduction of \$426,925 from the year 1873-74. The hon. gentleman says it is quite impossible that such a reduction can be right. The change, as I understand it, is simply this: that heretofore 40,000 militia were drilled every year; but by this curtailment it is proposed, while the present financial stringency exists, that the 40,000 militiamen shall be divided into two bodies, and one-half drilled yearly in alternate order. We all, I am sure, earnestly desire that the militia force of the Dominion shall be maintained in full efficiency, but in such times as the present how can this temporary modification of the practice be made just subject of indignant complaint, especially from the mouths of such ardent economists as the hon. gentleman opposite? The next item in the hon. gentleman's bill of complaint was the reduction of \$192,642 on Manitoba land surveys. "What reduction," the hon. gentleman exclaims, "is there in that? You have reduced the surveys to that amount—is that economy? You will stop them next year altogether—will that, too, be a saving? And if any one is entitled to credit, to whom should it go but to those that drove the Government to it?" Ah, it is so hard to please the hon. gentleman! If you don't retrench he abuses you, and if you do retrench he is wiser than ever. The next item is one about which the hon. gentleman raised a terrible hullabaloo—the item of Departmental Telegraphing. He read from the Public Accounts the statement that the cost of this service in 1873-4 (the last of the Macdonald Government) was but \$20,925, while in the first year of the present Government it was \$38,507. And how excited the hon. gentleman did become about it, to be sure! Well, this did appear to me a very large sum, and so I dropped into the Finance Department and asked an explanation of it from one of the officers of the department. He went at once and looked into the matter, and I am sure the hon. gentleman will be relieved and delighted when he hears the explanation. Of course he has no desire to prefer unfounded charges against the Administration, and he will be rejoiced to find that he can conscientiously withdraw that frightful castigation he gave them for that \$38,000 of telegraphing. It turns out that in 1873.4 there were

only three-fourths of the year's telegraphing included, and that in 1874-5 there were five quarters charged.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BROWN—It so happened that the quarterly bill of the Telegraph Company was delayed so long that the Government accounts for the year were closed before it could be certified, and it had, of course to go to the next year's account. The effect of this correction of the hon gentleman's figures entirely changes the aspect of the telegraphic complaint, and I call the hon. gentleman's attention to the great economy effected by the present Ministry on the lavish disbursements of his own friends. The contrast now stands as follows :

1873-4 .....	\$32,107
1874-5 .....	19,326
1875-6 .....	19,421
1876-7 .....	15,255

There is another charge that the hon. gentleman preferred against the Administration, and it is the last left for consideration. I refer to the transaction known as the Intercolonial Suspense Account—and a very simple matter it seems to be when clearly explained. The 50,000 tons of steel rails bought for the Pacific Railway, as we all know, were not all wanted for that road at once, and it was put to capital account. The money was paid, and of course went at once into the Public Accounts. So far as the cash is concerned, no wrong is alleged. The statement of the hon. Senator does not effect the money in the least, or the accuracy of the Public Accounts, only, he alleges, it affects the balance of last year of revenue and expenditure. An account was opened in the ledger for this iron, and it was stored at certain places. As fast as a portion of it was applied to any service, the value was deducted from the capital account and charged to the special service to which the iron went. In regard to the Intercolonial Railway it was determined—and I fancy we will all admit wisely determined—as soon as possible to take up the iron rails and put steel rails down. We all know the saving effected by substituting steel rails for iron ones, and it was determined by the present Administration from the very moment they came in,

Hon. Mr. Brown.

that the Intercolonial Railway should be re-steeled, not all at once, but that in places most worn, the track should be renewed to the extent of \$200,000 every year. That went on. In the year ending 30th June, 1873, the re-laying was carried out to the value of \$80,522—and this amount was duly credited to the Pacific Railway iron account and charged to the service of the Intercolonial Railway. In 1874, \$216,538 of steel rails were thus obtained and re-laid on the Intercolonial track ; in 1875, \$292,382 ; and in 1876, \$215,289. In 1877, as I understand it, it was supposed desirable that there should be a larger quantity used than had been done before. It was thought very desirable that some parts of the road should be laid at once ; and the question came up, should they adhere to the system of charging the Intercolonial at the rate of \$200,000 a year, or charge the whole \$550,000 of iron that was wanted in one year, against the road. The former course was decided upon. Now, this decision of the department may have been right, or it may have been wrong ; that is entirely a matter of opinion ; for my own part I think it was the reasonable course to take. When the Intercolonial Railway accounts are published abroad it is not desirable that the cost of maintaining it should appear any more unfavorable than the facts justly demand. It is well known that the Great Western Railway charge three guineas per ton to capital account for every steel rail they put upon the track. We know, too, the Grand Trunk Railway charge the whole of the steel re-laying to capital account ; and there is an Act of this Legislature declaring that this shall be so. That Act was passed by the House of Commons and by this House—and the hon. gentleman voted for it himself.

Hon. Mr. MACPHERSON—Does that Act apply to the Intercolonial Railway ?

Hon. Mr. BROWN—No, of course not ; but I am showing that what was done as to the Intercolonial was a reasonable thing to do. This side of the House, in discussions that have taken place on this question, differed from the late Government, who agreed with the Grand Trunk Railway, and held that there-laying of steel rails on Government roads should be charged to capital account.

This side of the House did not hold that ; and what has been done on the Intercolonial was a mere compromise between the two plans. Had the system been carried out on the Intercolonial as contended for by the hon. gentleman opposite, then the Government would not have found it necessary to charge this at all ; it would have gone to capital account. But what they did was this : they took \$550,000 worth of rails from capital account, charged \$200,000 of it—a reasonable proportion of which they had been in the habit of charging—direct to the Intercolonial Railway, and put the balance honestly and squarely in the Public Accounts as an Intercolonial Railway suspense account—to be wiped out this year and next year.

Hon. Mr. MACPHERSON—Did they not use the whole quantity last year ?

Hon. Mr. BROWN—I did not ask that question. I do not know.

Hon. Mr. MACPHERSON—Is it done in accordance with the resolution of the Government to charge everything as expenditure on revenue ?

Hon. Mr. BROWN—The hon. gentleman is fighting a shadow. What difference does that make ?

Hon. Mr. MACPHERSON—It is evident that \$543,000 worth of rails have been used in renewals, which, according to the resolution of the Government, really should have been charged to revenue. Instead of that only \$200,000 is charged, and the balance is put as a blind in a suspense account.

Hon. Mr. BROWN—The hon. gentleman should not use that word "blind." It was perfectly straightforward, and was fully explained in the Public Accounts Committee. I admit the hon. gentleman may hold the opinion that, the rails having been handed over to the Intercolonial officers, the full amount should have been entered against that company. But the Intercolonial Railway belongs to the people of Canada, the rails are there—the transfer does not affect the security—the rails are as much at capital account as they ever were—and there is not one shilling less to-day to meet the public debt than there was before the rails were transferred from one locality to another. Will anyone say that

*Hon. Mr. Brown.*

it makes the slightest difference to the country whether those rails lie in a heap at capital account or lie in the track of a Government railway at an Intercolonial Suspense Account? I have now gone through the entire charges and objections of the hon. gentleman ; and I put it to every hon. member of this House whether there is one single item in the whole of the hon. gentleman's indictment for which the slightest moral reproach can be cast upon the gentlemen on the Treasury benches. Will any hon. gentleman say that one instance has been shown of culpable neglect on the part of the Government? Can any hon. gentleman say that the slightest proof has been given of even thoughtless waste on the part of the Government? Nothing of the kind has been shown. Hon. gentlemen, the men who govern this Confederation—be of what politics they may—have no light burden on their shoulders. We are eight separate colonies, brought suddenly together ; we have a vast extent of country, stretching from ocean to ocean ; we are of different races, we speak different languages, and we have different forms of religious faith ; we are all in the early stages of material and social development. Our representatives in Parliament come up from all sections of our wide domain eager to do well for their special constituencies, and apt to forget the interests of the whole. The urgent solicitations for concessions—reasonable concessions if the public chest were exhausted—that are constantly coming up from all directions to the Ministry of the day, are without end ; and the men who have the firmness and the ability and the tact to promote right, resist wrong, and seek to mould the discordant elements into a harmonious whole, deserve and ought to receive the cordial sympathy and support of every member of this Chamber. It is utterly impossible that the wit of man could avoid errors in the administration of affairs so vast and multifarious, but I confess I have risen from an earnest and thorough examination of the public affairs and accounts of the Dominion with high gratification at the ability, the uprightness, the economy, and the marked success with which my hon. friend and his colleagues now governing the country have fulfilled their difficult task since they assumed office.

AFTER RECESS.

MINISTERIAL CHANGES IN QUEBEC.

A MESSAGE FROM THE GOVERNOR-GENERAL.

Hon. Mr. SCOTT, Secretary of State, acquainted the House that he had a Message from His Excellency the Governor-General, which His Excellency had commanded him to deliver to this House.

The same was then read by the Clerk and is as follows :

Dufferin.

"The Governor-General transmits to the Senate an Address from the Legislative Council of the Province of Quebec to the Senate ; Also, an Address from the Legislative Assembly of the Province of Quebec to the Senate—on the subject of recent Ministerial changes in that Province.

GOVERNMENT HOUSE,  
"Ottawa, 22nd March, 1878."

LEGISLATIVE ASSEMBLY,  
"Friday, 8th March, 1878.

"Resolved, That the following Address be presented to His Excellency the Governor-General of the Dominion of Canada, to the Senate and Commons of Canada, and to His Excellency the Lieutenant-Governor of the Province of Quebec.

"Attest.

"E. SIMARD,  
"D. C. L. A."

LEGISLATIVE ASSEMBLY,  
"Friday, 8th March, 1878.

"Resolved, That the said Address be engrossed and signed by Mr. Speaker, and that it be transmitted to His Excellency the Lieutenant-Governor of the Province of Quebec, with prayer that he transmit the same to His Excellency the Governor-General of Canada, and that the said Address be also transmitted to the Senate and House of Commons of Canada.

"Attest.

"E. SIMARD,  
"D. C. L. A."

TO THE HONORABLE THE MEMBERS OF THE SENATE, IN THE DOMINION OF CANADA, IN PARLIAMENT ASSEMBLED.

"The humble Address of the Legislative Assembly of the Province of Quebec, respectfully sheweth :—

"That it appears from the explanations given by the Honorable M. Angers, and Hon. Mr. Scott.

"from the official correspondence communicated to this House, that His Excellency the Lieutenant-Governor acknowledges that the Members of the DeBoucherville Cabinet have acted in good faith in the discharge of their duties ;

"That His Excellency has allowed the measures submitted by his Government to this House, and to the Legislative Council, to be discussed and voted upon without order on his part to suspend them ;

"That, whilst asserting their devotion to our Gracious Sovereign, and their respect towards His Excellency the Lieutenant-Governor of this Province, this House is of opinion :

"That the dismissal from office of the De Boucherville Cabinet has taken place without reason, constitutes an imminent danger to the existence of responsible government of this Province, and is an abuse of power in contempt of the majority of this House, whose confidence they possess'd, and still possess, and is a violation of the liberties and will of the people.

"And your petitioners will ever pray.

[L. S.] "LOUIS BEAUBIEN,  
"Speaker of the Legislative Assembly  
"of the Province of Quebec.

LEGISLATIVE ASSEMBLY,  
"Quebec, 8th March, 1878."

GOVERNMENT HOUSE,  
"Quebec, 18th March, 1878.

"Sir.—I have the honor to forward you an address to the Honorable the Senate of Canada, voted by the Legislative Council of the Province of Quebec on the 8th instant.

"I have the honor to be, sir,  
"Your most obedient servant,

"L. LETELLIER.

"The Hon. R. W. SCOTT,  
"Secretary of State,  
"Ottawa."

LEGISLATIVE COUNCIL,  
"Friday, 8th March, 1878.

"Resolved, That this Address be engrossed and signed by the Speaker of this House, and transmitted by him to His Excellency the Lieutenant-Governor of the Province of Quebec, with a request that he will transmit it to His Excellency the Governor-General of the Dominion of Canada, and to the Senate and House of Commons of Canada."

"Attest.

"BOUCHER DEBOUCHERVILLE,  
"Clerk, Legislative Council.

TO THE HONORABLE THE SENATE OF THE DOMINION OF CANADA.

"The humble Address of the Honorable the Legislative Council of the Province of Quebec, respectfully sheweth :—

"That it appears from explanations given by the Honorable M. DeBoucherville, and from official correspondence communicated to this House, that His Excellency the Lieutenant-Governor acknowledges that the Members of the DeBoucherville Cabinet acted in good faith in the discharge of their duties ;

"That His Excellency permitted the Bills submitted to this House, and to the Legislative Assembly, to be discussed and voted upon without any order on his part to suspend them ;

"That whilst expressing his loyalty and devotion to our Gracious Sovereign, and its respect for the Lieutenant-Governor of this Province, this House is of opinion :

"That the dismissal from office of the DeBoucherville Cabinet having taken place without sufficient cause, constitutes an imminent danger to the maintenance of responsible government in this Province, is an abuse of power exercised in contempt of the majority of both Houses whose confidence they possessed, and still possess, and violation of the rights and will of the people.

"HENRY STARNES,

"Speaker, Legislative Council.

"LEGISLATIVE COUNCIL,

"Friday, 8th March, 1878."

Hon. Mr. CAMPBELL moved, that the Address be received and that it be printed in the Minutes and Proceedings of the House. He proposed at the proper time to move a resolution on the subject.

Hon. Mr. BROWN said the presentation of this memorial and the course that this House should take upon it were matters of some importance, and he would suggest that no steps should be taken before they had time to consider what course should be followed. Their action on this question would set an example for future occurrences of this nature, and he would suggest to his hon. friend that he should give notice that he would move for the reception and printing of the Address at a future day.

Hon. Mr. CAMPBELL said he did not apprehend there was any doubt or difficulty as to the contents of the Address being communicated to every member of the House, but the most convenient way to get at it was to have it printed in the Minutes and Proceedings. In fact it was already a part of the Minutes and Proceedings, inasmuch as it had been received and read. He had stated in general terms that hereafter he proposed to submit some resolution to the House on the subject. When he had settled in his own mind what proceeding he intended to take, then he should give no-

*Hon. Mr. Scott.*

tice of it, and every hon. gentleman would have due time to consider it.

Hon. Mr. BROWN said on the face of it it seemed right enough, but it was a question whether it was desirable that this matter, having occurred in a Legislature of a Province, could properly be brought here, discussed here, a motion made on it, and political questions raised affecting the Province. He thought they should not take any step hastily.

Hon. Mr. MILLER contended that the House could not refuse to receive an address sent down to it by the Governor-General under his sign manual.

Hon. Mr. ALLAN did not think any motion was necessary to have it put on the Minutes of the House.

Mr. SPEAKER—My opinion is that no motion is necessary. It appears on the Minutes as a matter of course.

## BILLS INTRODUCED.

### FIRST READINGS.

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

Bill—"An Act to provide that persons charged with common assault shall be competent as witnesses."

Bill—"An Act respecting the Bank of Liverpool."

Bill—"An Act to incorporate the Ontario Mutual Life Assurance Company."

Bill—"An Act to authorize the Stadacona Fire and Life Insurance Company to reduce its capital stock, and for other purposes."

## THE PUBLIC EXPENDITURE OF THE DOMINION.

### THE DEBATE CONTINUED.

Hon. Mr. McLELAN resumed the adjourned debate on the Hon. Mr. Macpherson's inquiry,

"That he will call attention to the Public Expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and will inquire of the Government how it is proposed to restore the equilibrium between income and expenditure."

He said:—The hon. Senator who has just addressed the House, but who, I regret to see, is not now in his place, in a long, earnest, and able, yet not convincing speech, closed by advising us to keep our discussions within our own province. With a patronizing air, and in piteous tones, he cautioned us to keep within our own sphere. It may be that the customs of legislation and the forms and usages of Parliament have, to a certain extent, limited our direct action on some points, but no man can deny us the right thoroughly to discuss a question so deeply affecting the interests and the prosperity of this Dominion as that which is now before us.

Hon. Gentlemen—Hear, hear.

Hon. Mr. McLELAN — The hon. gentleman spoke of this body in terms which almost called a blush to the faces of the modest gentlemen about me. He spoke of us as being the most aristocratic body in the world. How far we may follow him in that, or how much of it we may regard as mere compliment I will not say, but I do say there is no other body of men, equal in numbers to this, in the Dominion, who have a deeper interest in the prosperity of this country, or who are more closely identified with its progress than the gentlemen whom I see about me. And, when the Public Accounts of this Dominion exhibit a succession of deficits, I do not think we are stepping beyond our Province when we inquire of the Government what means they propose to meet that deficit, to make the income and expenditure harmonize. But the hon. gentleman complains that it is inconvenient for the Government to answer the question. It may be so, but however inconvenient it may be to them, I claim that this House has a right to ask that question, and it is the duty of the Government to give us an answer. The hon. Secretary of State told us that he had no proposition to make—that he was waiting in patience and hope. The hon. Senator from Toronto says the clouds are breaking, and he is looking for the sunrise, and that is all the Government and the Senator who is said to lead and control the Government are doing to meet the deplorable state of affairs that prevails in this Dominion.

Hon. Gentlemen—Hear, hear.

Hon. Mr. McLelan.

Hon. Mr. McLELAN — The hon. gentleman complained that my hon. friend from Toronto (Mr. Macpherson) had made a great many charges against the Government. "Why," he says, "I have never heard a speech in which there were so many charges brought against a Government." The hon. gentleman surely forgets that we are writing a new page in the history of this country. He forgets that we have now in power a Government composed of men who were never in office, who never governed this country before—he forgets that we never had a Government so open, so amenable to charges, or about which it is impossible to make a speech without it being filled with charges of dereliction of duty, of maladministration and corruption.

Hon. Mr. MACPHERSON — Hear, hear.

Hon. Mr. McLELAN—Therefore, the hon. gentleman should not have been surprised at the number of charges brought against his Government. He says, if the hon. Senator (Mr. Macpherson) had any charges, he should call for a committee and have them investigated, and he blamed the hon. gentleman for having said that it is impossible to get a fair verdict from a committee in the other House. In this he only followed the example set him by the Premier elsewhere, in stating that it was impossible to get a fair verdict from a committee of the Senate. He followed the example set elsewhere in saying that, and I do not see any great harm in it. Two committees are now investigating the course pursued by the Government in certain Public Works connected with the North-West. When they have reported there may be time and opportunity as there is necessity for further inquiry. The hon. Senator from Toronto professes surprise at the action of my hon. friend beside me. He says "Nothing in the administration of public affairs pleases him." Is it a matter of wonder that my hon. friend is displeased? Is it not true that the great mass of the people are in the same frame of mind and that those who are entirely satisfied form the exception? The hon. Senator (Mr. Brown,) has told us that he justified everything that is done by the Government, and therefore, I assume that

he is entirely pleased and satisfied, and I also assume that the thirteen gentlemen sitting on the Treasury benches, themselves, now that Mr. Blake is out of the Government, are all in perfect harmony and satisfied with their administration of public affairs, but outside of those gentlemen, you can almost count upon your fingers the men who share their satisfaction.

Hon. Gentleman—Oh, Oh !

Hon. Mr. McLELAN—You can count Oliver, Brown and Davidson, at Kaministiquia, as satisfied with the manner in which public affairs are administered; you can count Mary Brown, Mrs. Davidson and Alice Leys, all the shareholders of the Neebing Hotel Co., and perhaps you can add a few others as satisfied and delighted. The hon. gentleman himself, knowing that he has access to the public documents of the country and Orders-in-Council, being behind the scenes, could probably add the names of a few more contented favorites, but outside of those, the great mass of the people of this country are dissatisfied, and are making that dissatisfaction known. Why, we have the whole industries of this country prostrated, the energies of the people paralyzed, and we have here this repeated deficit of nearly \$2,000,000, and yet have no sign of word or deed by the gentlemen who are administering the public affairs of this country, other than to say they are "hoping for better times"—"watching for the breaking of the clouds." Is it any wonder my hon. friend expresses his dissatisfaction, or that the great mass of the people of this country join in that dissatisfaction, and are waiting for the time when they can give it form and force at the polls? The hon. Senator looking across at my hon. friend and shaking his finger, says, "You should have been satisfied with the explanations given by the Finance Minister! You should be satisfied with his answers to your pamphlet." It will be borne in mind that the hon. Senator condemned, in the strongest possible language, the delivery of an argument or the statement of a fact without, at the same time, giving all the attendant and explanatory circumstances, and it will be seen how severely he censures the course taken by the Finance Minister in his summer campaign, and also the course taken by the Senator

*Hon. Mr. McLelan.*

from Hamilton, in this debate. When the hon. Senator (Mr. Brown) was denouncing this mode of debate, I felt that he was crushing out the member for Hamilton, but when I subsequently heard him commending the picnic speeches of Mr. Cartwright, I felt that the hon. gentleman was in the position of the man who found his friend drunk and in the gutter, and, unable to lift him out of it, endorsed his action by lying down beside him. The hon. Senator, with all his great powers, unable to raise his friend, lies down beside him, endorses his action, and commends his speeches to my hon. friend. The hon. Senator from Hamilton was good enough to amuse the House last evening with a specimen taken from those speeches. Referring to the charge made and sustained against this Government of having largely increased the public expenditure, he says, "See what the late Government did in seven years. They positively increased the public expenditure from thirteen millions in '67, when they took office, up to twenty-three millions when they went out in '73." This is one of many equally dishonest statements made by the Minister of Finance, and repeated with such unction in this debate. The hon. Senator from Toronto (Mr. Brown) was right in condemning, in scathing terms, a mode of argument and discussion unworthy of the position held by the men who indulge in it. The evident intention is to misrepresent and mislead the public mind by withholding the explanatory circumstances which caused and justified the increase. When we started in 1867, we had but four provinces, or, as the hon. Secretary of State puts it, you were burdened with only two of the smaller provinces.

Hon. Mr. SCOTT—I explained the other day that I was speaking sarcastically when I used the word "burdened," because I have always favoured the confederation of these provinces. I think it is not quite fair after my explanations, made at the time, to put a wrong construction on my words.

Hon. Mr. McLELAN—The Dominion at that time consisted of but four Provinces but in 1873, when the late Government went out of office it contained seven provinces, and a territory larger than the whole of the United States. and,

therefor, this addition of province after province naturally increased the public expenditure. In 1873, just before the change of Government, last of all Prince Edward Island came in, and the expenditure of that Province was added to that of the Dominion. Here is the simple and natural explanation for much of the increase, which it would have been easy, honest and just for them to have given. But there are other circumstances connected with that. The hon. Senator from Hamilton and the Finance Minister, should have told their audiences that although there was this increase in the public expenditure, the revenue during that period more than kept pace with it.

Hon. Gentlemen—Hear, hear ?

Hon. Mr. McLELAN—They should have stated that while the expenses had gone up \$9,830,008, the annual receipts had increased \$10,500,000, leaving a surplus from year to year, amounting in the aggregate to \$12,000,000. They should have accompanied their statement with this explanation, which would have shown a justification for the increase. The hon. Senator who addressed the House this afternoon, admits that there was a deficit against us last year, of nearly \$2,000,000; and this year it amounts to nearly as much, but says no reasonable man should complain of this deficit, under all the circumstances, because there is now, as he claims, a reduction in the expenditure.

Hon. Mr. HOPE—He made no such admission as that.

Hon. Mr. McLELAN—He said no reasonable man could take exception to the deficit when there has been a reduction in the expenditure. Hon. members will remember that all through his speech, especially the latter part of it, he treated the deficit as a mere bagatelle, in comparison with our resources and the undertakings we have on hand. Now, what we claim in connection with this, is that although there may be an apparent reduction in some expenditures of the past year over the previous year, it is not on those services which are the true test of economy, and which would indicate a sincere desire to meet the changed circumstances. Any gentleman will at once see that the expenditure made by the late Government was justifiable, when year after year the

Hon. Mr. McLellan,

revenue was increasing, when taxation was diminished from 12 to 10 per cent, and when a surplus of over \$12,000,000 was rolled up during the period they were in office, but with the change of Government comes a change of circumstances, that makes their expenditures wholly unjustifiable; a failing revenue, diminished trade, increased taxation, and an annual deficit of nearly \$2,000,000. The hon. gentleman claims credit because the present Government have only increased the debt of the Dominion, as he gives it, \$24,000,000 during the three years they have been in power, and expended nearly \$21,000,000 of that upon public works. Take his own statement, and it shows over three millions of borrowed money used to meet deficits in the working expenses of Government. Contrast this with the result under the late Government. Not only was every dollar of borrowed capital expended on the great public works of the country; the Intercolonial and Canals; but from yearly revenue large sums were expended on public buildings and improvements that might properly have been charged to capital, and after all this, a handsome surplus was left every year which went to reduce the public indebtedness. After the change of Government, when Mr. Cartwright went to London to borrow money, he gathered up these surplus sums and presented them with pardonable pride to the British public in his celebrated prospectus, as the evidence of our prosperous condition. In the one case, you had money left from ordinary revenue to expend on public works, thus preventing the necessity of borrowing and increasing the public debt to that extent; in the other, you have this Administration taking money, borrowed and charged to capital account for public works, and using it to meet their ordinary expenses to the extent of \$3,000,000 to \$4,000,000, as admitted by the hon. Senator from Toronto (Mr. Brown) The hon. Senator charged my hon. friend Mr. Macpherson, with having in his pamphlets made grave misstatements of facts, "such as he had never heard or read before." The hon. Senator should prove the misstatement before he makes the assertion—"misstatement of facts." The hon. gentleman's course of reading must be very limited indeed, so limited as not even to reach that celebrated paper pub-

lished in his own office, and under his own direction. The hon. Senator told my hon. friend, that he had done wrong in not taking the expenditure of 1873-4 as the basis of his comparisons and calculations. He asks, "Will any reasonable man object to doing that?" I tell him, whether I am reasonable or otherwise, I do object. The hon. gentlemen will see, when they look at the months previous to the change of Government and the months succeeding, that the present Administration were in office two-thirds of the time, and controlled the expenditure during the eight months of the year. Any gentleman who is familiar with the administration of public affairs in this country knows, that the Government can increase, diminish, or withhold expenditure just as they may direct; but it is not that which is my strongest objection to taking the expenditure of 1873-4 as the basis of comparison. It is that the present Government prepared the Public Accounts of that year, and it is their statement we have to deal with, not the Accounts as they should have been prepared, to do justice to the late Administration.

Hon. Gentlemen—Hear, hear.

Hon. Mr. McLELAN—If the accounts had been prepared or overlooked by the late Government and made just to them and their successors, then I do not know any objection there would be to taking them as the basis of comparison.

Hon. Mr. POWER—I would ask the hon. gentleman if the Public Accounts are prepared by the Government or by the officers of the Department under them? I was not aware that the Government prepared the Public Accounts.

Hon. Mr. McLELAN—We do not find that this Government burden themselves with much beyond mere account keeping. At all events, they are responsible for the accounts, and they direct their officers as to what manner they

shall be prepared. It is true the officers attend to the mechanical part of the work, but no account is submitted to Parliament that has not been made to meet the approval of the members of Government, and it is therefore, as I stated, that the accounts for 1873-4 are the work of the present Administration, and their great anxiety to take them as the basis of comparison only too plainly shows that they have been specially prepared for this end. Hon. gentlemen understand how easily the Government, having in hand the preparation of the year's accounts, can transfer a charge from one heading to another, or charge against revenue an expenditure belonging to capital. Not only has this been done in the accounts of 1873-4, but there are in them large exceptional charges which must be deducted before anything approaching a just comparison can be made. Now, the accounts for 1873-4 show an expenditure, charged against ordinary revenue, of \$23,316,316, and to make up this sum they include an item voted from capital account, and in years previous, and in the years since, charged against capital, being for new rolling stock and snow sheds on the Intercolonial, amounting to \$545,625. Add to this the cost of the elections ordered by the present Government in the winter of 1874, \$106,178. Then there is the sum which they returned their good friends of the Great Western Railway, \$69,330. There was also an exceptional expenditure in that year, for military stores, of \$144,906, and the work on the Dawson Route was also completed that year, the expenditure being \$407,868. There are other exceptional charges in that year, but which, to make the comparison just, may be left to balance exceptional charges in the following years. Deducting these sums I have named, the accounts of 1874 for comparison will stand thus:

Gross amount.....		\$23,316,316
Deduct Intercolonial Rolling Stock.....	\$545,625	
Cost of Elections.....	106,178	
Duties returned Great Western.....	69,330	
Military Stores.....	144,906	
Dawson Route.....	407,868	
		\$1,273,907
Leaving for comparison.....		\$22,042,409

Hon. Mr. McLelan.

This is somewhat nearer the true basis for a comparison between the expenditure of that and succeeding years. Starting on this, you find the actual increase in 1874-5 over 1873-4 was \$1,670,662; and in 1875-6 another increase of \$2,450,963; so that when you have reduced the expenditure of 1873-4 to something near what is the proper basis for comparison, you find there has been an alarming increase in the expenditure of succeeding years. It was rather amusing to see the pains which the hon. Secretary of State and the hon. Mr. Brown took to justify the expenditure of 1873-4, and to make the gross sum the proper basis for comparison, and they seemed perfectly delighted when they had, according to their own minds, succeeded. Proceeding on that basis, the hon. gentleman went on to make comparisons in detail, and to tell the House whenever there happened to be an increase in any item, that it was perfectly reasonable and just, and called for by the necessities of the country. When the hon. Secretary of State and the hon. Senator from Toronto (Mr. Brown) take this ground, they seem to forget the position in which it lands them. They seem to forget that ever since the hour when these Provinces were united under Confederation, they declared on the floors of Parliament, and on public platforms, and in their press, that the men who were then administering the affairs of the country, were day by day practicing the grossest extravagance, extravagance amounting to corruption, and that it was their object and would be their duty when obtaining power, not to go on the same scale of extravagance; that their policy was to largely curtail the expenditures of this country within, as they said, reasonable limits. The hon. Senator from Lunenburg read to the House last night, the platform that they laid down: they were "to reduce the annual lavish expenditure, and enforce strict economy in every branch of the public service." Those gentlemen came into power with an overwhelming majority, pledged to the teeth to reduce the expenditures of this country, not to continue them on the same basis. Yet, here to-day, we have the hon. Senator from Toronto (Mr. Brown,) and the hon. Secretary of State yesterday, hour after hour defending, in fact, that expenditure, justifying it, and taking it

Hon. Mr. McLelan.

as the basis—as the justification—of their own increased expenditure. We claim that that expenditure in the main was justified by an overflowing treasury, while the expenditure of this Government, not only in view of the pledges they had given to the country, but in the changed condition of the revenue, were entirely unwarrantable. In seeking to justify their own expenditure, these gentlemen entirely overlook the position in which they stood before the country by their charges of extravagance against the late Government, and their past pledges and promises to reduce the amount. The hon. Secretary of State, as well as the hon. Senator from Toronto (Mr. Brown), claimed our sympathy for the present Government, because, as they held, they were loaded down with obligations that were placed upon them by the late Administration. In one breath, you had the hon. Senator from Toronto deploring this, and in the next breath you had him forgetting all, and striking down the position which he and his Secretary of State had taken; telling us that our duty is to build up the Dominion and make of it a great and prosperous empire; that the great public works, railways, and canals, must be carried on to completion, that our resources may be developed and the object in view attained, and therefore that the expenditures cannot be curtailed. The hon. Senator in this, justifies the late Government for all those undertakings which the Secretary of State, and he himself earlier in his speech, had censured so severely. It is admitted on all hands, that there are certain undertakings that are essential to the wants of the people; certain undertakings that are necessary under the terms of Confederation itself, to the union of our people and the development of our vast resources. There is the construction of the Intercolonial Railway, and the enlargement of our canals on which there has been large expenditures, and on which large expenditures are yet required, and should be made as soon as the circumstances of the country warrant. No man will claim that the late Government are any more responsible for expenditures upon such works as those than the gentlemen opposite. Now apart from those, let us see what obligations were laid upon the present Government by their predecessors, and how far those obligations hampered their policy. It is true that the old

Government had constructed a large number of public works, post offices, customs houses, piers, and various other works all over the Dominion, and had inaugurated others, but they were constructed not out of capital account, as they might very justly have been, but out of revenue and still leaving surpluses every year; some of those works were in an unfinished state when the new Government came into office. In 1874 the Finance Minister brought down an estimate to continue those works, and having made out that year's appropriation, he gave an estimate of what would be required to complete all those unfinished works. I ask the hon. Senator from Hamilton, and the Secretary of State to turn up that estimate submitted by their own Finance Minister, for the sums that would be required to complete those works after the vote of that year, and what will they find? Hon. gentlemen will be surprised to see how very small it is. I am speaking outside of the Intercolonial Railway, the canals and other great works, entered upon under the terms of Confederation inseparable from Union, and assented to by both parties. There were required the following sums:—

Customs House, Toronto.....	\$ 40,000
Examining warehouse.....	115,000
St. John Post Office.....	43,000
Ottawa Post Office.....	30,000
Manitoba Penitentiary.....	121,000
British Columbia Penitentiary.....	129,000
Harbors and Piers.....	161,000
	\$639,000

Making a total of \$639,000 to complete all those buildings that the late Government had undertaken to construct out of revenue, and which were in an unfinished state in 1875. The Finance Minister, in his Budget Speech of 1875, set the matter at rest when he said (see page 168, *Hansard* of 1875.)

"I think we may fairly congratulate ourselves that our financial condition has materially improved since last year. All immediate demands met. No pressing claims except those for public works, for at least a year or two. Have completed the Intercolonial and P. E. Island Railways. We have a reasonable surplus, and are, therefore, free to turn our attention and energies to enlarging and improving canals and the Pacific Railway."

Now, hon. gentlemen will see that even the Finance Minister himself contradicts the position taken by these hon. gentle-

*Hon. Mr. McLellan.*

men (Mr. Scott and Mr. Brown) when they say that this Government were loaded down by the obligations left to them by their predecessors. The figures I have shown prove that those obligations were comparatively light, and the hon. Finance Minister himself said that every thing was paid, and that we were free from embarrassment. The hon. Secretary of State, I fancy, rather surprised the House when he attempted to account for the enormous increase in the Customs expenses, by stating that it was owing to reforms introduced into that service. The country will be slow to appreciate reforms that lead to such an alarming increase of cost and diminution of revenue, and think the fewer we have of them the better. The hon. gentleman claims that the cost of penitentiaries had not kept pace with the increase of inmates. This is only an inevitable result under any management, as all the main expenses of the institutions are stationary, no matter what the number of prisoners. It is true that since 1874 the number has gone up from 1,000 to 1,500, and without an increase of cost in proportion. But when we turn to the other side of the account, we see that the receipts have not been increased, and therefore we are led to the conclusion that a part of the receipts is taken to meet the daily expenditures, and in this manner the apparent cost has been kept down. I am strengthened in this conclusion by the evident attempt that is apparent in the Public Accounts to mislead and mystify in regard to the cost of many of the services. In the matter of telegrams, which has been so much dwelt upon by both hon. gentlemen, and a saving claimed, we have the greatest difficulty in making a comparison. The expenditure of each department, instead of appearing as usual in one sum in the contingencies of that department, has been reduced by charges scattered all through the various services. The hon. Senator, (Mr. Brown) was to-day unsparing in his praise of the Finance Minister, and I doubt not but whilst his words were ringing in our ears, many hon. gentlemen around me were recalling in strange contrast the sweeping denunciations hurled at Mr. Cartwright, a few years ago by the hon. Senator in his newspaper. Then, he was characterized as "a mere mixer and muddler of figures." If hon. gentlemen will

take the Public Accounts to day as they stand they will find that charges are strangely mixed—mixed with the intention of muddling, or, if not with that intention, certainly with that effect. It will be remembered that when the hon. Secretary of State claimed that the cost of telegraphing had been reduced, and cited as proof the sums under the head of contingencies to each department, he was told that the reduction was in part due to the increased facilities for rapid communication, and to a reduction in the rates for messages; but the hon. gentleman would not admit such an explanation. He told us that the telegraphing in connection with the North-West, was enormously high—17 cents per word—besides the cost of special messengers to the various stations. The language and manner of the hon. gentleman, evidently conveyed to the House, that all the cost of this was included in the sum which he was comparing with the cost under the late Government, and creating the impression that in telegrams this Government is more economical than its predecessor. But how does the matter stand? If hon. gentlemen will take up the accounts connected with the service of which the hon. gentleman was speaking, the North-West, they will find under that head enormous sums for telegrams scattered all through the branches of the service. I have not had time to go through more than two or three years, but I find in one account, "paid the Secretary of State for telegrams, \$548.00," and again, "paid the Department of Justice for telegrams, \$1,040," in another account, \$1,589, and so on, all through. In the accounts laid before us this year, there are over \$3,000 charged amongst the various services of the North-West, and which the language of the Secretary of State would lead us to think he included in the sums he compares with his predecessors. And it is only by taking part of the cost of telegraphing from the accounts of the Department of Justice and the Secretary of State, and scattering it through different headings, that the hon. Mr. Blake, at Teeswater, can boast of the small comparative amount that appears under the proper head of contingencies of his own office, and the hon. Secretary of State can re-echo the boast here. It matters little to the country where the charges are

placed, the result is the same, the expenditure was made, the money is gone, and the people foot the bills. And that is what my hon. friend (Mr. Macpherson) complains of, not because a particular service is increased, and another apparently reduced, which can easily be done by transposing a charge from one head to another, but that the aggregate is increased; that the result of the year's operations is largely to increase the controllable expenditures. This attempt to hide away expenditures, and to mix accounts, is by no means confined to telegrams. Take another case, the steel rails, and perhaps the House will expect me to apologize for naming again "steel rails" but we have the rails, to our misfortune, and we have annually charges connected with them. Turning to the accounts of the past two years, we find under the head of "Pacific Survey" \$6,700, for storage of rails in British Columbia. By what right is the rent of a small patch of ground on which the rails are piled charged to surveying? Have they an engineer marching about the piles measuring and calculating how much and how rapidly they are diminishing by corrosion? Then, again you have another charge connected with the steel rails, an amount of \$1,000, paid for insurance average to one of the ships that carried the rails, charged to survey account, whilst the money received from the insurance company to meet this charge is credited to steel rails, as if the Government felt the rails were such a burthen to them, that every cent by which they could possibly reduce the apparent expenditure should be resorted to, in order to deceive the country, no matter where the items were charged. But the hon. Secretary of State grows very indignant when it is even hinted that any member of his Government ever attempts to mislead the public mind. My hon. friend (Mr. Macpherson) had occasion in his address, to point out to the House that the Member for Bruce when Minister of Justice, and addressing his constituents, in a comparison he made of the cost of the department under his predecessor with it under himself, had omitted his own salary. The hon. Secretary of State professes amazement at the imputation that the intelligent men of Bruce can be misled, or that the late member of his Government could stoop to mislead an audience. Why, hon. gentlemen,

had the speech delivered by the Senator from Hamilton last night been delivered before the men of Bruce, intelligent as they are, they would for a time at least have been misled. Had the bold fact been given in the manner it was given to us, that the late Government from 1867 to 1873 increased the public expenditure nine millions, the impression would have been created that they were guilty of great extravagance. Let me name another case in point during the past season. We had, in Nova Scotia, a visit from the Premier, and I had the pleasure, and a great pleasure it was, of listening to him addressing a few of the electors of my own county. The hon. Premier, in his efforts to show how very economical the present Government are, how much better they administer the affairs of the country than their predecessors, made a comparison between the Intercolonial Railway and the Pacific. He told the electors of that county that he was building 228 miles of the Pacific Railway—had it under contract—and he would have it completed for a cost per mile of less than half what the Intercolonial Railway had cost the country. The words used, the tone and manner of delivery were such as to leave the impression upon every man present, who did not know the difference in the construction of the two roads, that they were equally good, equally well built—should be of an equal cost—and that the late Government and the commissioners acting under them had been guilty of the grossest extravagance in the construction of the Intercolonial. Being called upon by that audience, I felt it a duty to myself and those with whom I had acted in the construction of the Intercolonial, to correct the Premier. I felt it my duty to point out the great difference in the character, and necessarily in the cost, of the two roads. That the Intercolonial is the best road on the continent of America, as was confirmed by an eminent engineer a few days ago, when giving evidence under oath in another room, whilst the road, he (Mr. Mackenzie) was constructing was a mere log and timber affair—timber trestles in place of solid embankment, and log piers, abutments and culverts, in place of solid masonry; in fact, as the same engineer to whom I have referred says, only a preliminary construction for a railway.

Hon. Mr. McLellan.

With this case under my own observation and knowing how completely for a time, until the explanation was made, the men of Colchester had been misled by the hon. Premier, I can readily believe that the utterance of the member for South Bruce left on the mind of his audience a false impression. The hon. Senator (Mr. Macpherson) calls our attention to the Suspense Account of \$343,591, for railway renewals on the Intercolonial. The position taken by my hon. friend was that this sum which we are told has been expended in renewals upon the railway and paid, should have been charged in this year's accounts, and would thereby show the true deficit to be nearly two millions of dollars. The hon. Senator who has just addressed us contends that this sum, although expended, and although the service was paid for, should not be charged against renewals in the year's accounts. The hon. gentleman is perhaps not aware of the position taken by the members of his own Government in respect to all renewals on railways. The hon. the Premier and the Finance Minister have both, in the clearest and most emphatic terms, affirmed that the relaying of the track with steel rails is a proper charge against revenue, and is so to be made. So late as the 25th of last April the Premier used these words, as reported on page 1831 of *Hansard*:—

“The renewals on the road (Intercolonial) were paid out of its revenue and charged to income. The relaying of steel rails was charged to income and taken out of the annual vote.”

This, it will be seen, was in conformity to the principle avowed by the Finance Minister in his Budget Speech of 1876, as reported on page 243:—

“With respect to the operation going on of substituting steel for iron rails, it is an item I think which is properly chargeable to income, and is intended to be. I am somewhat particular in making this statement, because, as the House knows, we feel it incumbent upon us; we are compelled to keep both capital and ordinary account, that we should be very scrupulous as to what we allowed to go to that capital account.”

Hon. gentlemen will see by these extracts that the principle and practice contended for by my hon. friend has been admitted by the leader of the Government and his Finance Minister, but has not been carried out; and we are justified by their own words in adding this suspense

amount to the year's expenditure and to the amount of deficit. The hon. member from Toronto (Mr. Brown) contends that it would be unfair to the road to make the whole charge in one year. If he had said it was unjust to the officer in charge of that road, I could understand him, because it is undeniable that Mr. Brydges has been compelled to make an expenditure upon the road which his own judgment had pronounced uncalled for.

Hon. Gentlemen—Hear, hear.

Hon. Mr. McLELAN—The House will remember in 1874, Mr. Brydges was sent down to examine the condition of that road and report upon it—that was before the Government had purchased this 50,000 tons of steel rails for which they had no use—and what did he report? I will quote from it:—

“ Having carefully gone over the whole system, and discussed the matter thoroughly with the engineer and roadmasters, I am of opinion that it will require not less than twenty miles of steel rails per annum, to be used for re-laying the tracks, which will take the entire quantity of iron rails out, in rather more than eight years. Twenty miles, I am sure, will do for the next three or four years, but if the old rails should wear badly, or the traffic be heavier than I at present anticipate, it may be possible that after three or four years the quantity may require to be somewhat increased.”

Here we have Mr. Brydges, after careful examination with the officers of the road, reporting that the work should be gradually done, as required, in a period of eight years; but the Government step in and compel him to hide away a part of their dead stock, by doing in one or two years, what was declared only necessary to be done in eight. Hon. gentlemen will therefore see, that although the position taken by my hon. friend (Mr. Macpherson) that the rails having been laid, the expense incurred, and the money paid, the amount should be charged in the year's accounts, is entirely correct, and that the true deficit for the year is increased by this sum of \$343,591, making it nearly two millions, yet, it does place the officer who has that road in charge, and who is no doubt anxious that the road should be worked as cheaply as possible, in an unfair position. The Government have interfered with him in his duty, and have forced him to expend an amount that, in the opinion of himself and his en-

Hon. Mr. McLellan.

gineer, was wholly uncalled for. The hon. Senator comes to this conclusion himself when he says, that “if they had not had the rails on hand—if they had not been called on to pay cash for them—they would not have put so many into the Intercolonial.” The hon. Senator with admirable frankness exposes the transaction. The Government had rushed thoughtlessly—madly into the purchase of 50,000 tons of steel rails for which they had no use—they had paid millions of the people's cash away for piles of rails that were being eaten out by interest and corrosion, and they must at any sacrifice get them hidden away—“Anywhere, anywhere, let them be hurled,” if not out of the world, at least off the record—and so Mr. Brydges is made the scape-goat and forced to bear away a quantity of them, which his own long experience and great ability, sustained by the deliberate opinion, after careful examination, of his engineer, declared unnecessary. But, hon. gentlemen judging by the result in the working of that road, it is not alone in the matter of rails that the Government have interfered and made it a political machine. It will be remembered that Mr. Brydges in his report on the condition of that road in June, 1874, before taking charge of it, said that “taking the average of five years previous that the roads had about paid working expenses,” and that with certain reforms, reductions of salaries and severance from politics it could be run free of expense to the country.

Hon. Mr. POWER—How much of the road was open then?

Hon. Mr. McLELAN—He took into account the opening of the road as far as Newcastle, and we have seen, it is stated in this year's report that the opening of the whole has given a larger amount of through traffic than was anticipated. But never before, in the history of the railway, has there been a worse exhibit than in this year's report, due, as must be admitted, to Government interference. The manager proposed a gradual renewal of rails as the wants of the road required, extending over at least eight years, but the Government interfere, break up his system, and compel him to hide away 11,000 tons of their mad purchase. The manager proposed a reduction of salaries and the number of officials, to the extent

of about \$17,000 a year, and as soon as he was placed in charge, proceeded to carry this out. But here again there must have been coercion on the part of the Government, to give places to favorites, for the number of officials apart from the new stations, have been largely increased, swelling the salaries, exclusive of stations, over \$40,000 above what they were in 1874, to say nothing of the reduction which the manager in his report proposed. There has therefore been a great injustice done to him, and the country has suffered a large loss by this interference. The hon. Senator (Mr. Brown) I fancy, startled the House by the announcement, with the audacious challenge that he threw out, that "not a single instance of culpable neglect or of thoughtless waste of public money could be brought to the charge of the present Government." Notwithstanding all the utterances from pic-nic platforms, all that has been written in the press, or that we have heard elsewhere, I am sure hon. members were hardly prepared for so rash a challenge—"not a single instance of thoughtless waste of public money, or culpable neglect!" While the words were yet on the hon. member's lips, I heard on all sides of me "steel rails." Need I ask if there was sufficient care and thought in this expenditure? An expenditure which their own officer—the ablest man in their employ—had pronounced in advance, such as "no prudent man would make." An expenditure which, in interest and charges, has rolled up to over four millions of the people's money, helping to swell taxes and deficits. An expenditure marvellous in its absurdity and folly, when we consider that a single mile of road was not then located, nor did the Government scheme, as now declared by the Secretary of State and other members of the Government, contemplate the construction, by Government, of as much road as the 50,000 tons would lay—sufficient for 550 miles, whilst the policy of the Government is to stop with 228 miles now under contract, and the Pembina branch 80 miles, and to seek a company to build the rest. Is there no charge of "thoughtless waste of public money" in rushing blindly into a purchase which was unnecessary and uncalled for, and which, under their policy, never can be used? Does the hon. gen-

*Hon. Mr. McLelan.*

tleman want other instances of culpable neglect or thoughtless waste of money? When the Government were about to select a terminus for the Pacific Railway away in the wilderness where there were millions of acres of land, the best of which had never cost higher to private individuals than four dollars a lot, was it not culpable neglect on their part not to secure that land when it could be bought for a mere trifle? What was the result of that neglect? In 1874, after they had selected the terminus, their engineer, Mr. Fleming, makes a plan of the land required and of a wharf to be constructed. In 1874 they selected the terminus and made their plans for the wharf required. They built that wharf and proceeded with the construction of the road; all the while looking on at rings of speculators and jobbers working up the price of the very land marked off by their engineer. They stood idly by whilst these speculators planted a huge shanty, named the Neebing Hotel, directly in front of that wharf, to be bought out at fabulous prices. For years they looked on and then paid \$67,000 for the terminus of the road running, as Mr. Mackenzie described it, "through a wilderness never before trod by the foot of white man," even now we do not know that we have the full cost given. The hon. gentleman from Toronto, Mr. Brown, makes it a serious charge against my hon. friend (Mr. Macpherson,) that he should have even hinted that there was any withholding of the public accounts. Last Session this House asked for all the expenditures on this purchase, and the papers brought down showed an amount of \$51,000. The House was led, to believe, that it was not possible that there would be any further expenditure there, and hon. gentlemen thought we knew the worst of it. But we find an expenditure of \$16,000 had been kept back, and in this Session the sum has been rolled up to \$67,000 for this piece of wilderness. The Government felt that the country could not stand \$67,000; it was too large a dose to give at once, and was "divided" but I hope we have now reached the full measure of the infliction.

Hon. Mr. AIKINS—We have not. They will have to get more land.

Hon. Mr. McLELAN—If this land, by two years neglect went up from two

dollars to a thousand an acre, what will the addition be in another year? But the hon. Senator can see no culpable neglect or thoughtless waste. The hon. Secretary of State should have checked him, and should have told him that last night he (Mr. Scott) had confessed, on the floor of this House, to a thoughtless waste of the public money in the construction of the Fort Pelly Buildings.

Hon. Mr. SCOTT—No, I did not.

Hon. Mr. McLELAN—I know the hon. gentleman did not use just these words, but you should have told the hon. Senator (Mr. Brown) that it was a thoughtless waste, because the buildings on which the Government have expended \$63,000, he tells us, were in the wrong place, and others have been erected.

Hon. Mr. MACPHERSON — Fort Francis Lock?

Hon. Mr. McLELAN—My hon. friend from Toronto (Mr. Brown) has a wonderfully short memory. He forgets the Georgian Bay Branch. Was there any evidence of careful thought in the giving of the contract for the construction of a railway that would cost millions of dollars through an unexplored country, a road that the Government did not know they really wanted, and which resulted in a thoughtless, wasteful expenditure of over \$100,000?

Hon. Mr. SCOTT—Only \$40,000. You are counting the advance on the rails.

Hon. Mr. McLELAN—Yes, taking the whole, it runs over \$109,000. In connection with these worthless rails was there not another “neglect of public duty?” A gentleman constructing a railway in that vicinity brings in a quantity of rails in the fall, dumps them down at a certain point, tells the Government that they are intended for their road, and that he wants the money on them. The Government pay him over the cash. In the spring, when he wants rails to lay on his own road, he goes to the Government and borrows a hundred tons of those same rails, and when the matter comes to be looked into they find that 227 tons have been taken. Is there no “neglect of public duty” in this? The hon. Senator knows also that a Committee of this House is now investigating into the construction of

*Hon. Mr. McLelan.*

the Fort Francis Lock, in which there is the plainest possible evidence—in which there is an admission from the hon. gentleman himself—that it was a blunder; “a thoughtless waste of public money.” The Government adopted their famous “water-stretch” policy, and determined to run a link to Sturgeon Falls. To make the water-stretch from Sturgeon Falls, they decided that a lock was necessary at Fort Francis, and before ascertaining that a road was possible to the Falls, they rushed into the construction of a lock involving the expenditure of nearly half a million dollars.

Hon. Mr. SCOTT—No.

Hon. Mr. McLELAN—With the river improvements adjoining, it will reach nearly that. But what has been the result; nearly two years were spent in trying to reach Sturgeon Falls, and the attempt was finally abandoned, and the road carried away north of them, rendering the expenditure at St. Francis an absolute waste of money. I shall not further weary the House with the long and painful record which the gentlemen who so misgovern this country have in a few short years made, but I ask the House if, in the cases which I have named, it is not plain and patent upon the face of them that there has been, as the hon. member put it, “a culpable neglect of public duty and a thoughtless waste of the public funds of this country?” But the hon. gentleman from Toronto (Mr. Brown) tells us of the great pressure that has been brought to bear upon the members of this Government—of the pressing claims coming from the north, east, and west; from all points of the Dominion; and he, being familiar with the offices, knows something of the force of this pressure. I wonder if the hon. gentleman was in the office of the Premier when the returns for the Kaminitiquia job, and the figures that it was proposed to pay for this land in the wilderness, were under discussion. I should like that the hon. gentleman could give us his description of the manner in which that report was received by the Minister of Public Works, and of the pressure which made him assent to it. I can fancy it, but I know the hon. gentleman could do better justice to so interesting a scene. But the hon. member paid a poor com-

pliment to the members of Parliament who support the Government, when he represents them as men pressing determinedly, no matter whether their claims are just or otherwise, to have public grants made to them.

Hon. Mr. POWER—The hon. gentleman did not say that. He did not say they were pressing claims or otherwise. He said "good claims."

Hon. Mr. McLELAN—Well, if good claims, if just claims, where the merit of resisting then? It was anything but complimentary to the supporters of the Government the way in which he put it, giving us the impression that it was only by the iron firmness of the Government themselves that they were able to fight all these demands and keep the treasury from being depleted by their clamorous supporters.

Hon. Mr. CAMPBELL—Such as Ferris—"More rails."

Hon. Mr. McLELAN—The hon. gentleman from Toronto (Mr. Brown) referred to the deficit, and following the example of the hon. the Secretary of State, he went back to 1858. The House must have been amused. What have we to do with matters connected with 1858? What has this Senate or this country now to do with the action of old governments long before the Provinces were confederated? When the hon. gentleman spoke of this deficit and attempted to justify it by going back to that period when there were deficits, it must have crossed the mind of every hon. member here that he, of all men, was not justified in taking such a course. We have merely to look at the present, certainly not go back beyond the date of Confederation; but these hon. gentlemen have no right to go back even to that date. The hon. gentlemen opposite are, surely, not the men to attempt to justify themselves by quoting the action of the late Government. Why, their whole course when in Opposition was laying down pledges and promises that they would not act as the gentlemen who were then governing the country were doing, but they would reform, they would reduce the public expenditure and be more economical. But what do we now find? We find that whenever they are charged with any misconduct, they, on all occasions go back to see what mistakes they can find of the

*Hon. Mr. McLelan.*

late Government. But the Secretary of State and the hon. Senator exceeded anything we have ever had from them before. They went back to 1858 and 1860 and compared the deficits of that period with the present. I tell the hon. gentlemen neither they nor any member of their Government or party should attempt to justify their action by a comparison with their predecessors before or since Confederation. We all remember the cry with which they sought power. It was not "we will do equally well with you" but "we will do better than you." It was "stand aside I am holier than thou." To-day when four years of their record are examined their tone is changed; their cry is "don't push us aside, we are no worse than others." Of this, let the intelligence of the country answer at the polls. The hon. Secretary of State in speaking of the past uses the expression "before we were burdened by the smaller Provinces"

Hon. Mr. SCOTT—No, No.

Hon. Mr. McLELAN—It may have been with him an accidental utterance, slip of the tongue.

Hon. Mr. SCOTT—The hon. gentleman was present, I believe, when I made that statement. I said I was speaking sarcastically of some gentleman who made that statement, and that I never shared in that sentiment myself; I said I was speaking sarcastically.

Hon. Mr. McLELAN—I was proceeding to say, that I supposed the hon. gentleman had made a mistake, or in some way the expression had fallen from him unintentionally as we have had no marked evidence of his hostility to the smaller provinces. But we know, hon. gentlemen, the position taken by almost every man who is now in the Government, and who previous to coming into power was hostile to these smaller provinces; we know that when the terms of admission of every province were added to this Confederation were under discussion, the hon. gentleman's Government opposed those terms. What did we find in 1869, when the modification of the terms to Nova Scotia was under discussion? We found every member of this Government—every one who was then in Parliament, and who is now a member of it, Mr. Cartwright excepted, in deadly hostility to that modification. It was carried in spite of all their attempts

to defeat it, carried too by the help of Mr. Cartwright, who now under other influences and a member of another Government, is most outspoken in condemning the terms granted to the smaller Provinces. How do we find him last summer speaking of the admission of Prince Edward Island, the gem of the whole Confederation ?

Prince Edward Island Members—Hear, hear.

Hon. Mr. McLELAN—We find him claiming credit for the opposition which he and his colleagues gave to the terms, characterizing the liberality of the late Government as gross folly, from which we are now suffering in our deficits. On the 2nd of July, last at Newmarket, he used this language, "And had our words been listened to when pressed on Parliament in 1873, at the time of the assumption of the Provincial debt, and of the admission of Prince Edward Island, one costing \$850,000 and the other \$500,000 per year, there would have been no fear of a deficit to-day. The time for interference was in 1873, when the debt was assumed and Prince Edward Island admitted. But, the Government of that day refused to listen to our advice, and we must bear the consequences of their folly." Here we have a plain and unmistakeable expression of the sentiments the Government entertain towards the smaller Provinces. The admission of Prince Edward Island on such terms as these enable that Province to meet its local wants is characterized, as "an act of folly from which we are suffering." But the Secretary of State said, and the member for Toronto (Mr. Brown), repeated it, that we are in a flourishing condition, that all our calls have been met, and that the public credit has never suffered for an hour. The hon. member from Toronto says, every penny has been met. It is true, hon. gentlemen, but from his own admission to-day over three and a half millions of dollars, nearly four millions, have been met out of capital. That is, they are using borrowed money for which our bonds were given in the London market to the extent of four millions of dollars in paying the ordinary working expenses of the country.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. McLelan.

Hon. Mr. McLELAN—I ask the House seriously if this is a matter for the hon. gentleman's congratulation. Our necessities have, it is true, all been met, but a large amount has been taken from money borrowed for the construction of important public works. And then they tell us our credit was never better, and cite as evidence the loans placed on the London market by Mr. Cartwright. The hon. gentlemen both seem to overlook the fact that Mr. Cartwright, for his first loan, rested his case wholly on the admirable position in which the late Government left the finances. In the prospectus which he issued he showed the annual increase of revenue, the expenditure from revenue on public works, and the magnificent surplus each year.

Hon. Mr. POWER—The hon. gentleman, I think, has misapprehended what the hon. gentleman who sat in front of me, said. I think he stated \$21,000,000 expended by the present Government, was on works undertaken, or provided for by the former Government, in 1874. I don't think he said the remaining three millions were spent in the way the hon. gentleman says.

Hon. Mr. McLELAN—The hon. gentleman will find this to be the fact, that of the money borrowed, and by which the public debt has been increased, nearly four millions have been used in paying ordinary expenses.

Hon. Mr. POWER—The report which came down to the House of Commons shows the total amount expended on public works to be, \$28,447,188. If the hon. gentleman says that there is three millions expended in the way he says he must show his authority.

Hon. Mr. McLELAN—The hon. gentleman ought to know that last year we had a deficit of nearly two millions of dollars, and that this year we have what they admit to be a million and a half dollars, and of course borrowed money was used to pay it.

Hon. Mr. HOPE—Last year it was \$600,000.

Hon. Mr. McLELAN—I refer the hon. gentleman to Mr. Cartwright for better information. But I was speaking of the assertion of the hon. gentlemen who

have spoken of the credit of the country on the London market, and I have said that the hon. Finance Minister, on his first visit, rested the case entirely on the prosperous exhibit left by the late Government. He went back in 1876, after he had been three years manager, and he evidently mistrusted and undervalued our position. At all events, for some reason he did not test our credit by open competition in the market. The hon. gentleman named his own price, and one so low that there could be no question of the bonds being taken. He said to the capitalists of London, here are the bonds of the Dominion of Canada, for each of which we pledge the people of Canada to pay one hundred pounds when due, with four per cent. interest half-yearly, for which bonds I want ninety-one pounds each, less a half-year's interest, leaving less than ninety pounds received for every one hundred pound bond. The money was at once furnished; the bonds were immediately taken, and, as we are informed, mainly by the people who, he informed us, advised him to make this offer. Let me for a moment turn the attention of the House to what took place shortly after this. The hon. gentleman (Mr. Brown) commended the Finance Minister not only for what he did, but also for the time at which he did it, "that he borrowed the money before it was really needed, but he was fortunate, inasmuch as the cash value of four per cent. bonds declined in the London market." But this only places his Finance Minister in a worse position when we look at what other colonies sold their bonds at, even with the decline in price to which the hon. gentleman (Mr. Brown) refers. The little colony of South Australia wanted to borrow £500,000, or, in round numbers, two and a half million dollars. Her Finance Minister placed the rate of interest on her bonds the same as ours, four per cent., and then asked the money lenders to name, by tender, the price they would give for each bond of one hundred pounds, and the quantity they would take. And I ask the House for a moment to contrast the result in the two cases. South Australia is a young colony, only forty-two years old. In 1871 the census gave the population at 185,626. In 1876 the estimated number was 218,060. The result of their loan is

Hon. Mr. McLelan.

given in the London press of February, 17th, 1877, as follows:

"The tenders for the South Australian Government four per cent loan for £500,000 sterling were opened at the National Bank of Australia, London, on the 13th. There were 209 tenders, amounting to £2,967,300, at prices ranging from £96 10s to £100. The average price for the £500,000 allotted is £97 10s. to £100. Tenders at £97 9s. and above, amounting to £483,500 are allotted in full, while those at £97 8s. 6d. will receive about 53 per cent of the amount applied for."

Here we find this young South Australian colony testing their credit and asking the money lenders "how many pounds will you give us for our bonds at four per cent?" and they were offered very nearly six times the amount required at £97 8s 6d, and to £100. But the Finance Minister of Canada, representing not a small colony, but a country more than one-half of the continent of North America, with a population of 4,000,000 of people and with a revenue that from the Confederation down to the time he assumed the management of it, had been increasing and giving annual surpluses, went into the London market, and instead of asking "How much will you give for our bonds at 4 per cent?" he fixed the price, at a loss of from eight to nine pounds on every hundred pounds, below the tender sale of the Australian loan, and asked the capitalists if they would take our bonds on those terms. As a matter of course they were readily taken, but we received nearly a million dollars less than if he had sold in the same manner and at the same rate as South Australia. Our liability or indebtedness for this loan, and on which we pay interest, is \$12,166,666, whilst the actual cash received for it was:

Less half year's interest.....	243,333	
1½ Commission and charges		
on \$12,166,666.....	191,430	434,763

Leaving net cash paid over, say..\$10,563,100

The Finance Minister, in last year's Budget speech, told us that one per cent commission was paid, but we find it to be one and a quarter, and that not on the cash realized but on the gross sum, or in other words, we paid nearly \$20,000 commission and charges on cash that was never received. The discounts on the several loans effected by this Government amount to a total sum of \$3,862,069. The hon. Secretary of State

boasts of the reduction in the average rate of the interest on our whole indebtedness, but he should bear in mind always, that we are paying interest on larger debt than the money received; as shown by the above discount on the last loans—so that the actual rate of interest on money received is greater than he quotes from the blue books. The hon. gentleman however should know that the reduction in the rate is not due to any superior management on the part of his Government. We all know that the old debts with which each Province went into Confederation in greater part bore six per cent interest. Shortly after Confederation, when the condition of the Dominion was shown to be so prosperous, the bonds constituting these debts commanded a premium in the money markets, and until they matured they could not be exchanged for others at a less rate of interest. All additional sums required by the late Government were procured at reduced rates, and such of the old notes as matured were replaced by others at the same reduced interest. The Auditor reported "as the result of three years following Confederation, that of \$4,759,335, expended on capital works, \$2,278,234 were paid out of income, and, although there had been an increase of the public debt for large works of two and a half millions, the credit of the country had so improved that the interest payable on the whole had only increased \$2,325." The loans for the Intercolonial and North-West guaranteed by the British Government, also helped to make a lower average, and, in addition to all, during the last four years a large amount of the old notes or bonds bearing five, six and seven per cent fell due and were redeemed by the money raised from the bonds sold at four per cent; although sold at a discount as I have previously shown.

Of six per cent bond and indebtedness there were taken up.....	\$11,466,745
and of five per cent.....	2,493,924
<hr/> Making a total of.....	<hr/> \$13 960,669
Within the same period there have been added to the public debt:—	
Imperial guarantee loan, 4 p. c.....	\$16,060,000
Dominion loan '74.....	19,466,666
" '75.....	4,866,666
" '76.....	12,166,666
Increase of Savings' Banks at four per cent.....	990,017
	<hr/> \$53,550,015

Hon. Mr. McLelan.

Thus, by taking out nearly fourteen millions bearing mostly six per cent.—the House will bear in mind that they could not be taken out until they matured—and by adding fifty-three millions at four per cent the average over the whole indebtedness is reduced, but not so much for the actual cash received, as would appear by the statements, for the reason that the Minister of Finance sold our notes at a discount, and we are paying interest on that four millions, that was not cash—never received. So much, hon. gentlemen, for the boast of the Secretary of State, and the member for Toronto (Mr. Brown), that they have improved the public credit, as shown in a reduction of the rate of interest. Yet, after all the boasting and special pleading of the hon. gentlemen, the hard fact remains, that last year we had a deficit of nearly two millions.

Hon. Mr. POWER—No, No.

Hon. Mr. McLELAN—Well, \$1,900,000. And there is this year another deficit amounting to nearly the same, and my hon. friend (Mr. Macpherson) puts the very proper question—what measures they propose to meet these successive deficits? The hon. gentlemen claim that the gross expenditure of last year being less than that of the previous year, there is sufficient evidence of their determination to retrench and reduce the public expenditures. We deny this, as it has been fully shown that the reduction of the gross expenditure is mainly due, either to the completion of certain services, or the temporary withholding of necessary aid to others, and not to any real attempt to economize and reduce the controllable expenditure. We know this, that when these gentlemen came fresh from the people, solemnly pledged to the strictest economy, they rushed into extravagance of expenditure unprecedented in the history of this country, and have only been stopped in their career by the efforts of my hon. friend beside me (Mr. Macpherson) and the efforts that have been made elsewhere. Instead of taking credit to themselves for this pause, they ought, in justice to my hon. friend, and those who have labored with him, to have awarded the credit to those who deserved it. It may be questioned how far these efforts have influenced them. The hon. Secretary of

State himself admits in his own letters, that the public discussions on the expenses incurred by the Government have led them to retrench. I refer to the correspondence between the Agent-General and the hon. Secretary of State, in regard to the London office in which he (Mr. Scott) confesses, that

"the great and growing expense of the London office has formed the subject for much newspaper criticism in Canada, and the Government regret being obliged to adopt the course now proposed as the only feasible means of restricting the expenditure within reasonable limits."

I give this as one of the many evidences existing, that the strong protest in Parliament and through the press by the Opposition against the reckless extravagance which has marked the career of this Government, has alone checked them. To day they stand face to face with a second enormous deficit and yet make no worthy effort to retrieve their position. The Prodigal Son has never largely commanded our esteem, but we can at least say this of him, that when he had spent his patrimony and was bought face to face with the husks, he voluntarily arose and retraced his steps, but this Government that poured out the public money with a prodigality unheard of, and that has been for two years facing the husks of deficit, take no steps backwards to retrieve their position unless driven, as it were, at the point of the bayonet. When my hon. friend beside me (Mr. Macpherson) concluded his able argument, and asked the leader of the Government in this House what reduction he proposed in the controllable expenditure, or how he expected to meet the deficits and make income and expenditure harmonize, what was the answer? Will the country believe it that to so vital a question as this, a member of the Government, the hon. Secretary of State, coolly replied "by waiting in the hopes of better times"? Does the hon. member of the Government fail to appreciate the gravity of our position, or does he offer this as an insult to this Senate? Such an answer insults not only the intelligence of this House, but the country that is viewing with the deepest alarm trade embarrassed, industry paralyzed, the public treasury unable to meet expenditure, and a Government folding their hands in utter indifference "waiting in the hope of better times." Dick-

*Hon. Mr. McLelan.*

ens, the great master of fiction, sketches for our amusement, Wilkins Micawber waiting for years "in the hope of better times," always waiting, always hoping, and always selling or trying to sell his bond, his I. O. U. at any discount in the London market. We have all been more or less amused at Micawber's eccentricities, and whilst sympathizing with his family have laughed at his oft repeated declaration that "something was sure to turn up." But here, to-night, we have something beyond even the fruitful imagination of a Dickens. We have men pretending to govern this country—men holding the interests of four millions of people in their hands, who, when appealed to on behalf of those interests, coolly tell us "wait in the hope of better times," to wait, for "something better is sure to turn up." We must put aside fiction, close the volume, and let it rest as does its dead author, for truth is stranger far. To-night we stand amazed in the living presence of the Dominion Micawber.

Hon. Gentlemen—Hear, hear.

Hon. Mr. McLELAN—The hon. member from Toronto (Mr. Brown) follows in nearly the same vein. He is, however, more ardent in his hopes—more confident that the good time is just at hand. He assumes a new character, and plays the role of Colonel Sellars in Mark Twain's "Gilded Age." No matter how dark the outlook, how discouraging the circumstances or delusive the scheme, the Colonel smiled in bland confidence, and assured everyone that "there were millions in it." So does the hon. Senator come beaming on us with the assurance that "we are not embarrassed! We have plenty of money! Every penny has been met. We have had two bad harvests and some bad weather, but the clouds are breaking, and I see the sun rise," and to his vision, at least, "there are millions in it" to meet these annual deficits. Do these hon. gentlemen expect to satisfy the country by such language? Do they hope to maintain the public credit by this course? It is impossible to overrate the importance of preserving our credit, and unquestionably it must suffer if we permit annual deficits of millions. It is, therefore, the plain and imperative duty of the Government—a duty owing alike to the country and to our present bondholders,—to take

such action as will prevent their recurrence, and preserve our credit at home and abroad.

Hon. Mr. CAMPBELL moved the adjournment of the debate. Carried.

### QUEBEC LOAN COMPANY'S BILL.

#### SECOND READING.

Hon. Mr. BAILLARGEON moved the second reading of the Bill intituled: "An Act to incorporate the 'Société de Construction Mutuelle,' under the name of the 'Société de Prêts et Placements de Québec,' and for other purposes."

The motion was agreed to.

The House adjourned at 10:35 p. m.

### THE SENATE.

*Tuesday, March 26th.*

The SPEAKER took the chair at eight o'clock, p.m.

After Routine proceedings.

### LIGHTHOUSE SERVICE IN PRINCE EDWARD ISLAND.

#### MOTION FOR RETURN.

Hon. Mr. HOWLAN moved:—

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, a copy of all contracts, telegrams and agreements made in and about, and relating to the Service of the Marine and Fishery Department at Prince Edward Island, since the entry of said Island into the Dominion, in July, 1873."

Hon. Mr. SCOTT asked the hon. Senator to mention the papers he specially required, and they would be brought down. This motion covered everything that had transpired, since Prince Edward Island entered the Confederation, between that Province and the Marine and Fisheries Department.

Hon. Mr. HOWLAN said he only wanted copies of contracts.

Hon. Mr. McLelan.

Hon. Mr. SCOTT said that would involve a cost of six or eight hundred dollars for copying, and he would not promise the return this Session.

Hon. Mr. HOWLAN said he specially wanted contracts connected with the lighthouse service.

Hon. Mr. MILLER suggested that the motion might be allowed to pass and the hon. Senator could afterwards hand in a list of what he wanted.

Hon. Mr. SCOTT—With that understanding I will let it pass.

The motion was agreed to.

### ALBERTON POST OFFICE, PRINCE EDWARD ISLAND.

#### ENQUIRY.

Hon. Mr. HOWLAN enquired:—

"Whether it is the intention of the Government to raise the salary of the Postmaster, and procure a suitable Post Office in the Town of Alberton, Prince Edward Island?"

He said the rising town of Alberton, since Confederation, had not been given the postal accommodation necessary for such a place. He merely called the attention of the Government to the fact that the Post Office in Alberton was self-sustaining—the receipts being from \$700 to \$1,000 per year—while the Postmaster received only \$160 salary a year. At present, the office was kept in the postmaster's store. The object of his enquiry was to point out the necessity of giving the postmaster a salary similar to that of the postmaster at Georgetown, and also to furnish him with a suitable office.

Hon. Mr. SCOTT said Messrs. Yeo and Perry, members of the House of Commons, had brought this matter under the notice of the Postmaster-General, and he understood it was not yet decided what course would be taken. The Government were considering the matter.

### CASCUMPEC HARBOR.

#### ENQUIRY.

Hon. Mr. HOWLAN enquired:—

"Whether it is the intention of the Government to place a sum in the estimates for the improvement of Cascumpec Harbor, Prince Edward Island?"

He said he had brought up this matter last year and the year before, and he observed in another place, the Premier had stated that it was not the intention of the Government to place a sum in the estimates for the purpose of making this improvement. He desired to call the attention of the hon. the Secretary of State to the fact, that Casumpec Harbor was the only one on the north side of Prince Edward Island which afforded a place of resort to fishing vessels. There used to be eighteen or twenty feet of water in the harbor, and it not only furnished accommodations for the vessels owned in the Island, engaged in the fishing trade, but also for vessels from New Brunswick and Nova Scotia. He had seen three hundred vessels in the harbor at one time, when the water was deep enough to accommodate them. Any one at all conversant with the Gulf of St. Lawrence, and knowing the size of vessels from Nova Scotia, New Brunswick, and the United States, engaged in fishing, must be aware that Casumpec was the only harbor on the north side of the Island where a vessel could take refuge during a gale in the fishing season. In consequence of the condition in which the harbor now was, there was frequently considerable loss of life, when a north-east wind prevailed. In two great gales some hundred had been wrecked, and there had been very great loss of life. During the present season two vessels had been wrecked, with the complete loss of their crews, in consequence of the absence of a harbor of refuge on the north coast of the Island. The late Government thought this matter of such importance, that they sent an engineer to examine this harbor. His report was in the archives, and the representatives of the Island had been led to believe that as soon as the Government saw their way clear, they would make the necessary improvements. It was exceedingly important that there should be a harbor of refuge on the north side of the Island, in the immediate vicinity of the fishing ground, and he was sure if the Government would look into the matter, they would see the absolute necessity, of furnishing some such protection to the fishermen of the Gulf. A sum was placed in the estimates last year for the building of a breakwater at the mouth of Malpec Har-

*Hon. Mr. Howlan.*

bor, and he was inclined to believe that the Government was led to suppose that this improvement was in the interest of the fishermen, but so far as the improvement of that harbor was concerned, the money was completely wasted. Instead of a breakwater it was more of a wharf which should be built by the Local Government. He would urge upon the Government not only to direct their attention to this matter, but to take steps to improve St. Peter's Harbor, which was further down the coast. He might say, with regard to another harbor in Prince Edward Island—he referred to Souris, on the other side of the Island—there was a breakwater building there which no doubt was necessary. He visited the breakwater last Fall, and was satisfied that as soon as the gales came it would break away. He understood that such had been the case, and that a sum of money had been placed in the estimates to rebuild it. Now, if the same plan were followed again, he predicted that the same item would appear in the estimates next year. He considered the improvement of that harbor most necessary, but the plan on which the breakwater had been built, as any gentleman acquainted with maritime matters would know, was such that in the first gale of wind the work would topple over.

Hon. Mr. SCOTT said the Government were considering what plan of improvement they would adopt for the purpose of adapting the harbor for the entrance of large vessels. According to the survey made, he understood the expense would be considerable.

Hon. Mr. HOWLAN—\$50,000.

Hon. Mr. SCOTT—That estimate would probably be exceeded, as it was a matter of some doubt how the gaps could be closed. As they were narrowed the sea would break in on either side, and the expense would be considerably in excess of the amount estimated. At the present time it was not contemplated to do anything beyond what he had said. If any plan could be discovered by which the effect sought for by the hon. gentleman could be brought about, the Government would be glad to consider it.

Hon. Mr. HOWLAN said, if the Government would have a re-survey of

the harbor made they would find the improvement could be made for half the money. He believed it could be done better and cheaper by sub-marine blasting. The bar of the harbor, for a distance of a cable's length, could be blasted and removed for about \$20,000. While attending the Fisheries Commission in Halifax, last year, this matter was brought to the notice of the Commission by the representatives of the United States. They reported that there was no harbor of refuge on the north coast of Prince Edward Island, where vessels could take shelter during a gale of wind. This was no mere local matter, but one of importance to every one interested in the Gulf fisheries.

Hon. Mr. SCOTT—I understand vessels drawing from twelve to fifteen feet of water can enter.

Hon. Mr. HOWLAN said, twelve feet was the highest water now. He had known it to be sixteen feet, but, at the present time, no vessel drawing twelve feet of water could enter, and in a gale of wind no vessel drawing anything like that could approach it. The consequence was, vessels were frequently blown ashore, and there was great loss of life. He himself had a vessel with which he was connected, lost with all hands.

Hon. Mr. KAULBACH said his attention had been called to this matter by the fishermen of his own county of Lunenburg. He believed that more of the fishermen in his county resorted to that shore than probably there were in all Prince Edward Island altogether. They had frequently spoken to him of the perils of that coast in consequence of no harbor of refuge being there. He was not aware of the nature of the improvements which the Government proposed to make, but he earnestly hoped the Government would find some means of appropriating a sufficient sum of money, to secure a proper harbor of refuge there for the protection of fishermen. He knew there had been large loss of life and property to the fishermen of the county from which he came.

*Hon. Mr. Howlan.*

## THE SALMON FISHERIES OF BRITISH COLUMBIA.

### MOTION FOR PAPERS.

Hon. Dr. CARRALL moved :—

“ That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, all correspondence, offers or tenders, that have been received for the leasing of the exclusive right of Salmon fishing and netting in the Frazer River, British Columbia.”

He said :—I understand that only one application has been made from British Columbia for this right; therefore for any information I am likely to get, I already possess it. I believe this is growing to be a most important business which has not been well considered throughout the Dominion at large, and especially on the Pacific coast. A history of the salmon fisheries would be the subject of quite a speech, but I may briefly say the industry of salmon fishing on the Pacific coast is of a recent date, especially that relating to exportation. Formerly for home consumption, the Sacramento River afforded sufficient food, but since exportation has commenced the Sacramento has been altogether fished out. The Columbia River has also been overfished, and to such an extent that during the past fishing season, out of some ten or twelve canneries, five at least were obliged to shut down, in consequence of the shortness of the run of fish. The result has been that gentlemen interested in that industry, and whose canned salmon have obtained quite a reputation in European, Australian, and other markets, have associated themselves with some of our own people in British Columbia, and commenced the industry of canning salmon there. They made an uncommonly successful fishing season last year, but, having in view the experience of other large fishing grounds on the Pacific coast, these gentlemen have become apprehensive that the result of the terrible slaughter that has been going on in many instances, will be to create a dearth of salmon in the Fraser River. That is a result which is most undesirable, and as the gentlemen engaged in the industry are men of more than average intelligence—men infinitely too wise to kill the goose that laid the golden eggs—

they are desirous that a conservative course should be pursued to prevent the fisheries from being totally destroyed. The men interested in canning are willing to meet the Government half-way or three-quarters of the way, or any distance the Government may, in their wisdom, see fit, by self-imposed taxation, to protect the fisheries. The object of my motion is to call the attention of the Government to this important subject, in order that they may adopt some policy which will enable them to accomplish the end which those interested in this industry desire. There is a diversity of opinion as to what that course should be. I hold in my hands a memorandum sent by some members of our delegation to the Marine and Fisheries Department. It is as follows :—

“ THE SENATE.

“ February, 20th. 1878.

“ Sir,—

“ With reference to the question of necessary protection to be given by law to the salmon of British Columbia, on which subject we have already had the honor of a conference with yourself, we, in accordance with your expressed wish, beg to make the following suggestions:

“ In the first place, we might premise that, as the habits of the salmon frequenting the rivers entering into the Pacific Ocean, appear, from the most reliable information to be obtained, to be different to those of the same species on the Atlantic seaboard, any regulations which it might seem well now to put in force should only be of a temporary character, while during the coming season some officer thoroughly conversant with the subject should be sent by the Department to British Columbia, to investigate the matter and report upon it.

“ In the second place, we would propose to prohibit for the coming season, commencing April 1st., the taking of salmon by seine, gill, or other nets, or any fixed or moveable traps, &c., for canning and exportation, above the tidal waters in the rivers of British Columbia. In the Fraser River, which is the principal river fished in this way at present, this regulation would leave available for netting some sixty miles in length of water, extending from the mouth of the river to a place known as Sumass.

“ Thirdly, that the size of the mesh of the nets used should not be less than five inches in extension; that no net should be longer than one-third the width of the river, and no two nets, traps, &c., be fixed or allowed to drift nearer to each other than a distance of 250 yards.

“ Fourthly, as to close time. It would appear that there are three or four distinct

Hon. Dr. Carrall.

“ species of salmon which ascend the rivers of British Columbia at different times of the year, and have different breeding seasons. To protect them all by an annual close time suitable to each, would be practically to close the fisheries all the year round. Under these circumstances, it must be for your Department to consider what duration of weekly close time would be sufficient. We would suggest from 8 a.m., on Saturday till 12 m'dnight on each Sunday, thus allowing the fish two whole days and a night and a half in each week to ascend the rivers free from interference.

“ In the fifth place, the canneries and fish-curing establishments should be compelled to bury their fish offal, or else to utilize it on shore for manure or otherwise. We would not allow the use of the perforated boxes mentioned in the Fisheries Act, 1868. We are of opinion that the above regulations will be sufficient for the present, if duly enforced. We are sure they will be in no way offensive to those already engaged in the fisheries, or detrimental to their interests, while, at the same time, they will afford the salmon a fair chance of reaching the spawning beds in the higher reaches of the rivers in sufficient quantities. But it is essential that active, efficient, and well-paid overseers or bailiffs should be appointed to enforce the carrying out of the regulations in their entirety, and this especially on the Fraser River.

“ We will take this opportunity of calling your attention to the question of the advisability of at once organizing a fish-breeding establishment in British Columbia. It has, doubtless, come to your knowledge that during the past fishing season, the proprietors of the different canning establishments on the Fraser River, being called together by Mr. Anderson, the Inspector of Fisheries for British Columbia, voluntarily invited the imposition of certain taxes on themselves and the establishments in order to raise a certain sum to supplement any grant which might be made by the Government of the Dominion for such a purpose. Their prudence, and foresight, and willing liberality, cannot be too highly commended, and it would seem that the Government could hardly do less than meet them half way. The experience so dearly gained in all rivers of the extraordinary way in which the numbers of salmon annually decrease unless some such means are taken for their preservation and artificial increase, would clearly point to the advisability of establishing such an inexpensive, and, at the same time, useful and remunerative concern, at an early date. Besides the security which would be given by such an undertaking with regard to the regular annual supply of the fish frequenting the rivers of British Columbia, it is considered of great importance to introduce in them the very large and valuable species of salmon found in the Columbia River, in the neighboring United States, but unknown in our Province. We would ask to call your attention to the fact, that it was solely with the above object

"in view that the offer above alluded to, with reference to taxation on fishermen and fishing implements on the part of the fishermen, was made, and not with a view of meeting the expense attendant on the employment of Fishery Overseers or Water Bailiffs. An industry which, in almost the first year of its establishment, exports fish approaching in value to half a million of dollars, is clearly of such direct and indirect value to the Dominion as large as to warrant the Government in going to a certain expense to secure its continuance; and it would hardly seem just that, while Indians and others can, without taxation and unfettered, secure fish for home consumption, that some should be taxed severely because the fish they take may have a different destination.

"We have the honor to be,

"Sir,

"Your obedient humble servants,

"(Signed.) CLEMENT CORNWALL,

"F. J. ROSCOE,

"EDGAR DEWDNEY."

"The Hon.

"The Minister of

"Marine and Fisheries."

I endorse fully the suggestion in this memorial, that a competent officer should be sent out by the department, to examine into and report on the habits of the salmon on the Pacific coast. I think the close season, suggested in the memorial, would be rather limited, and the salmon might not take advantage of the particular hours set apart on Sunday, to allow them to run up the river. I know very little myself about the eccentricities of this fish, but I have read some interesting articles from Frank Buckland, on the instinct of salmon, and their cunning in evading their enemies, while running up the river to their spawning beds. I am given to understand that the exportation of canned salmon from British Columbia during the past year, amounted to half a million of dollars. That, of course, with the number of hands it employs, the wages paid, the importation of tin and solder for canning purposes, constitutes an important item in the industries of our new country. Last season was the first in which this business has been successfully tested, and it has given an assurance of a great future for this industry in British Columbia. Of course we quote the result with some pride, as the business is only in its infancy, though it has made a most wonderful start, and has met with extraordinary favor in the European markets. A gentleman arrived from England to-day, who has charge of a canning es-

Hon. Dr. Carrall.

tablishment out in British Columbia. He represents a good deal of British capital, which has been invested in this enterprise on the Skeena River, where there is a cannery in successful operation. He tells me that he has seen the greatest lights on this subject, in Europe, and they had informed him that unless some action of a legislative character be taken at once, our great salmon fisheries, which should be an inexhaustible source of wealth and employment for our population, will be destroyed in a very few years. He illustrated the value of good salmon fisheries, by saying he knew of a stream in Ireland, at Ballanarinch, which had been bought for £1,800, and which was sold eight years subsequently for £48,000. I stood aghast at this. I considered Munchausen's story, and realized for the first time that I really knew nothing about the value of our salmon fisheries in British Columbia, when prices were liable to go up as rapidly as that. I think the Government should take some action on this matter as soon as they can intelligently do so. To us in British Columbia, it is really a question of bread and butter, and I therefore invite the attention of the Government seriously to the matter. I hold in my hand two reports of considerable importance to those who take an interest in the subject, but they are not of sufficient general interest to warrant me in reading them to the House. One is from Mr. Anderson, Inspector of Fisheries out there, a very intelligent gentleman who has given the subject a great deal of attention. He recommends in addition to the prudent legislation which I have suggested to the Government, based upon reliable information to be obtained by an officer of the department, the establishment of "hatcheries" at different localities which he has named. There is no doubt that this industry, if properly managed, is bound to be one of the most important on the Pacific coast—to be one co-equal with the lumber interest, which is very large, and the gold quartz, which at present is the chief source of the wealth of our province. It is to be regretted that our geographical position has placed us in contiguity with a powerful nation—a nation which embodies in its rank and file many noble men, but unfortunately, from their system—their unhappy system, or their want of system—they

are a people with whom it is impossible to deal honestly as a nation—a nation who always deal dishonestly and go back on their promises and plighted faith; a nation with whom the hon. Senator from Toronto (Mr. Brown), with all his journalistic experience and natural ability could not deal without being “euchered” in his proposed reciprocity treaty. This nation now refuses to pay the award of the Halifax Commissioners. I mention this fact merely to show, that the Yankees attach some importance to this fish question. From what little knowledge I have of the Minister who presides over the Fisheries Department, I believe attention will be given to this matter, although I have not the pleasure of knowing what administrative powers he has brought to bear in managing the Marine and Fisheries.

Hon. Mr. HOWLAN—I did not understand from the remarks of my hon. friend whether it was his intention to ask the Government to lease those salmon fisheries or not. If that is his object, it is a very important one, which is entirely at variance with all the laws of the Dominion. I am not aware that the Government have the power to lease this stream, unless under certain restrictions. I am not aware, as he says, that the habits of the salmon are different on the Pacific coast from what they are on the Atlantic. I refer my hon. friend to the report of Spencer F. Baird to the United States Congress, on this subject. A very large amount of ova was taken from the Maritime Provinces a few years ago and placed in the rivers of the United States. The question came up in Congress, as to whether the habits of the salmon on the Pacific coast were not different from those of the salmon on the Atlantic coast, and Mr. Baird settled the controversy by proving that the habits of the fish were the same in both localities. Therefore, I say it would be out of the power of the Government to lease the fisheries of Frazer River without applying the laws of the Dominion to them. There are localities in the rivers in which the salmon are in the habit of spawning, but though they have certain runs they may change them in consequence of offal being thrown into the river, or from over-fishing. I think it would be the duty of the Government to send an accomplished officer out to examine the river, and report on the con-

*Hon. Dr. Carrall.*

dition of it. He will find, however, that the habits of the salmon on the Pacific coast are the same as those on the Atlantic coast, although the fish on the Pacific are somewhat larger. There is a clause in the Fisheries Act, which empowers the Government to treat this matter on its merits. I merely ask for information whether the fishery laws of the Dominion have been applied to British Columbia or not?

Hon. Dr. CARRALL—I am not aware that the Government have adopted any policy with respect to them, but I am aware that they are most anxious to have proper information laid before them, and until they have it they are not justified in applying any act. I venture to say that there should be a close season, if there has been sufficient knowledge of the habits of the fish obtained on which to establish a close season. The Indians are allowed to catch fish and shoot deer out of season for food, and if any attempt were made to stop them they would not understand it, and there would be another Sitting Bull difficulty. If the Government only give the salmon Sunday afternoons to run, they will have to predict more closely than Vennor in order to say on what Sunday afternoon they will take their piscatorial excursions.

Hon. Mr. MACDONALD (Victoria)—The hon. gentleman who brought this question before the House said that he would express no opinion as to leasing part of the road; but I have no hesitation in saying that the fisheries should not be let. It will be attended with a great deal of inconvenience and injustice to other people, if any one man or company, is allowed a monopoly of any part of the river. Then there are the Indian rights which must be taken into account. They have fished from time immemorial over every part of that river, and they could not understand being excluded from it now. I know that leases have been applied for, and I venture to think that the Government would never give such a special privilege to any person over that river. The time has now arrived when such an important industry should be protected, and it ought to be attended to at once. We therefore recommend that the Government should send a gentleman of experience to look into it and report. Although we

know little of the habits of the salmon frequenting our rivers, yet we can recommend the Government to make certain regulations relating to the fisheries, such as licensing boats, a certain size of mesh, nets of a certain length and depth, a close season, if necessary, and the removal of weirs and obstructions. This is bound to be a great industry, and the sooner it is fostered and protected the better. It deserves earnest consideration at the hands of the Government.

Hon. Mr. CORNWALL—I had not intended to speak upon this question, but as I think the matter has been left in rather an involved state at present, and as I take a great interest in the subject, I will shortly allude to it. The memorandum mentioned by the hon. gentleman which the members from British Columbia had the honor to address to the Minister of Marine and Fisheries, on this subject, just touches four or five different provisions which they thought should be put in force during the coming season. We commenced by saying that this regulation should only be temporary, as so little is known of the habits of the salmon on the Pacific coast, and the further suggestion was made, that the Department should send out some person, competent to deal with the subject, to report, so that the Government could, hereafter, act definitely upon it. In the meantime we proposed several things that should go into force this year, as soon as possible, because the run of salmon begins immediately, and one of the principal runs sometimes commences in April. We touched, first of all on two or three subjects, such as width of nets, size of mesh, &c., which would not be of interest to the House; and then we came to a point of considerable importance to the salmon fisheries of British Columbia. We suggested that in the Fraser River no fishing by nets, for canning purposes should be allowed above tidal water. That would give sixty miles of fishing with gill nets up the river, as the tide runs up that distance—sufficient fishing ground for all the canneries likely to be employed in that business. After having passed those tidal waters, the salmon have to pay a very heavy toll at almost every few yards of passage up the stream, because the river shores are lined with bands of

Hon. Mr. MacDonald.

Indians, who catch the fish in extraordinary numbers, so that, even if we confine the catch with nets to a certain distance, the fish are killed in great quantities by other means. We next come to the important consideration of the necessary close time. There is no doubt whatever that there are four different species of salmon in the rivers on the Pacific coast, and they ascend them at different seasons, and, in this case, to protect them all by the annual close season—the usual way of protecting them in other rivers—would be practically to close the salmon fisheries all the year round. It is the duty of the Department to ascertain what the close season should be. We suggest two days and a night and a half in each week, from 8 o'clock on Saturday morning till 12 midnight on Sunday, as a close season to allow the salmon to ascend the rivers free from interference. My hon. friend from Victoria seems to have an idea that the granting of leases would be prejudicial to the rights of the people generally. I cannot see it in that light at all. I consider that, in a river the size of the Fraser, if certain reaches along that sixty miles, from the mouth to the head of the tide water, were given to certain individuals, the fish would be more easily protected than when the fish are common to all. It is just the same with the case of a common where everybody can turn out his cow or his jackass to feed. There never is any grass on such places, but let the land get into the hands of private individuals, and they will fence it round, and so protect it that the grass will soon become good upon it. There are many other streams in British Columbia which will probably support one cannery, but two such establishments would fish the stream out and neither could make a profit. In such cases, it would be wise to lease a stream to one party or company who would see that it was to their advantage to protect it as much as possible. This is an interesting subject, and I could easily dilate at length upon it, but at present I shall content myself with seconding the efforts of my hon. friends from British Columbia, in trying to impress upon the members of the Government in this House the necessity of early attention to this matter, and putting in force some such regulations as we have suggested.

Hon. Mr. SCOTT—I am sure we are all glad to hear that the salmon fisheries of British Columbia are likely to become an established and important branch of industry, and it is certainly desirable that the fisheries should be protected as much as possible. I shall have great pleasure in bringing this matter under the notice of the Minister of Marine and Fisheries, as well as the suggestions of the hon. gentlemen who have brought this subject before this House. There has been but one application to the Government for a lease of the river as yet.

The subject was then allowed to drop, and the order was discharged.

## THE CAMPBELL DIVORCE CASE.

### PETITION OF MRS. CAMPBELL.

On the following order being called :

“ That the Petition of Eliza Maria Campbell, praying for leave to prosecute her cause of divorce *in forma pauperis*, &c., &c., brought up and laid on the table on the twenty-seventh day of February last, and read on the eighth day of March, instant, be referred to a Select Committee, to consist of the Hon. Messieurs Aikins, Leonard, Dickey, Haythorne, Dickson, Cornwall, Seymour, Kaulbach, and the mover, to report thereon with all convenient speed.”

Hon. Mr. REESOR asked to have the matter stand over until Thursday.

Hon. Mr. MILLER said the motion was out of order as the Private Bills Committee had reported against the petition.

Hon. Mr. BOTSFORD suggested that the hon. gentleman should withdraw his motion as it was out of order.

Hon. Mr. MILLER—The following is the report of the Private Bills Committee on this petition :

“ THE SENATE, COMMITTEE ROOM,  
“ 22nd March, 1878.

“ The Committee on Standing Orders and Private Bills have the honor to present the following as their Tenth Report:

“ Your Committee have examined the petition of Eliza Maria Campbell, of Whitby, in the County of Ontario, wife of Robert Campbell, of the same place; praying for leave to prosecute her Cause of Divorce *in forma pauperis*, that any rules and orders which may prevent her from appearing or proceeding therein may be suspended, and that a new bill, if necessary, may be passed, identical in terms, as nearly as may

Hon. Mr. Scott.

“ be, with the bill of last Session,’ and find that no notice has been given, and do not recommend the suspension of the 51st Rule.”

Without the recommendation of the Private Bills Committee, no such motion as the hon. gentleman proposes can be made in this House.

Hon. Mr. REESOR said the motion could be made if the House chose to suspend the rule.

Hon. Mr. MILLER said the motion could only be allowed to stand by the unanimous consent of the House.

Mr. SPEAKER—The 18th rule of this House provides that “ no motion to suspend, modify, or amend any rule or part thereof, shall be in order except on one day’s notice, in writing, specifying precisely, the rule, or part of rule, proposed to be suspended, modified, or amended, and the purpose thereof.” And the concluding paragraph of the rule provides that “ no motion for the suspension of the rules upon any petition for a private bill shall be in order, unless the same shall have been recommended by the Committee on Standing Orders.” The hon. gentleman, if he moves his motion, will not be in order.

Hon. Mr. REESOR—If this is the ruling of the Speaker of course I must withdraw the motion, although I may state in doing so, that it is a very great hardship to the petitioner to be deprived of redress here, when there is no other place where she can seek for it. Of course she will only have to renew her application next year.

The motion was withdrawn, and the order was discharged.

## BILLS INTRODUCED.

### FIRST READINGS.

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

Bill (6.) “ An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company.”

Bill (8.) “ An Act to authorize the National Insurance Company to reduce its Capital Stock and for other purposes.”

Bill (27.) “ An Act respecting the Northern Railway Company of Canada.”

Bill (26.) An Act respecting the Grand Trunk Railway Company of Canada."

BIBLE CHRISTIAN MISSIONARY SOCIETY'S BILL

SECOND READING.

Hon. Mr. SIMPSON moved the second reading of Bill (K) to incorporate the Bible Christian Missionary Society. He said although the society were desirous of having the Bill passed without amendment, he was willing to have it amended in the same manner as the Baptist Missionary Society's Bill which had passed the House this Session, and he supposed there would be no objections to it. Four years ago Parliament had passed a Bill incorporating the Wesleyan Methodist body, and had actually gave them more powers than they asked for, and this, he believed, was nothing but what was just and right. In the Bill before the House the Bible Christians did not ask for powers to establish schools or hold property. As a body they were exceedingly simple, worthy and industrious. They furnished fewer inmates for the jails, penitentiaries, asylums, police courts and bankrupt courts than any other body in Canada. He simply asked that the Bill be allowed to go to Committee, and that it receive the same treatment as similar measures which had passed Parliament. An attempt had been made to introduce this Bill in the Ontario Legislature, but Mr. Mowat said, "you cannot get the legislation you desire. The Bill you would get from us would confine you exclusively to Ontario." This being the case, they applied here for an Act of Incorporation, which he hoped would not be denied them.

Hon. Mr. BELLEROSE said he regretted that he would be obliged to move an amendment to this motion, but, in view of the decision of Mr. Speaker the other day (a decision which he felt obliged to say he considered a wrong interpretation of the rules of the House), he must either move the reference of the Bill to the Supreme Court now, or not at all. In Committee the Bill might be so amended as to retain none of its objectionable features, but if it should not, it would then be too late to have a decision as to its constitutionality. He therefore moved :

Hon. Mr. Simpson.

"That the question be not now put but the Bill be referred to the Judges of the Supreme Court for their opinion; whether it is not a measure which falls within the class of subjects exclusively allotted to the Provincial Legislatures, under Section 92, sub-Section 11, of the British North America Act, 1867, relating to 'The Incorporation of Companies with Provincial objects,' and sub-Section 13 of the same Section, relating to 'Property and Civil Rights in the Province,' and Section 93 relating to Education?"

Hon. Mr. MILLER said, while Mr. Speaker's ruling on the occasion referred to was perfectly consistent with the rule of the House, he admitted that doubts had arisen in his mind, since the discussion upon this point had been started by the hon. Senator (Mr. Bellerose) as to whether the rule was a wise or a correct one. He presumed the reason why the rule had been so framed was that the principle of a bill was affirmed or disapproved of at the second reading, and, at the first blush, it seemed proper that if any doubt existed as to the jurisdiction of the House, that would be the proper stage at which to move its reference to the Supreme Court. That was very good so far as it referred to the principle of a bill, but suppose a measure should not be *ultra vires* at the second reading, but should be so amended in committee as to contain something which might raise a question as to jurisdiction, under the rule, the House could not refer it to the Supreme Court. He thought it was worthy of consideration whether that rule should not be changed. It seemed to him inconvenient that the House should be confined, in referring a bill to the Supreme Court, to one reading.

Hon. Mr. BOTSFORD said, as Chairman of the Committee which had revised the standing orders, he could say that this rule did not limit the House as the hon. Senator (Mr. Miller) supposed. A Bill could be referred to the Supreme Court at any stage before the second reading. This was a new rule, framed in consequence of the establishment of the Supreme Court, and it had taken up a good deal of the attention of the Committee. After full consideration it was considered, for the reasons which had just been given by the hon. Senator (Mr. Miller), proper to limit the reference to any stage before the second reading. It might be thought desirable, upon further consideration, to enlarge the rule and permit the reference

at any stage of a Bill. He thought this would be very desirable, for the reasons which had just been stated. At the same time he considered that the decision of the Speaker was quite correct. The amendment was quite in order, but any hon. gentleman might give notice to change the rule, so that a Bill might be referred to the Supreme Court at any stage.

Hon. Mr. DICKEY entirely agreed in the correctness of the ruling on the occasion referred to. At the same time he concurred in the suggestion that the rule might be modified, because it was manifest that a strict application of it might occasion great inconvenience. One case had been mentioned by the hon. Senator from Richmond. Another was this, a Bill might be introduced containing clauses contrary to the British North America Act, which would be struck out in committee. Under this rule no opportunity would be given to amend it, and the Bill must go to the Supreme Court, while its objectionable features might be removed in committee. If this Bill, which was now before the House, were allowed to go to committee, he had no doubt it would come back in such a form that it would be allowed to pass. He hoped the amendment would be allowed to stand, since the hon. Senator from Bowmanville had assured the House he was willing that the Bill should be amended in the same way as the Bill to incorporate the Baptist Missionary Society. He trusted that the chairman of the committee on Standing Orders would take steps to have the rule modified in the meantime, and the Bill could stand until the modifications were made to enable the House, if thought necessary, to refer the Bill to the Supreme Court at any stage before its final passage.

Hon. Mr. BELLEROSE regretted that he had not been met a few days ago in the same spirit that was manifested on this occasion. He believed it was right that a Bill should be referred before the second reading, before the principle was admitted, but he did not approve of limiting this course to that stage. Suppose one or two clauses were added to a Bill in committee, which would make it doubtful as to its constitutionality, should the House be denied the right of asking

*Hon. Mr. Botsford.*

the Judges of the Supreme Court for their decision upon it? He had in his hand a copy of the rule suggested by the Speaker last year, which he considered preferable to the one adopted by the committee. It would only need some slight change to make it suitable.

Hon. Mr. MILLER said the only fault with the existing rule, was that it limited the House to a particular stage of a Bill. It gave every other power that the House required. It was so general that it included everything without specifying anything.

Hon. Mr. BELLEROSE said the rule should not be allowed to stand as it was. As to the Bill before the House, he had no objection to the second reading being postponed, until the rule could be amended.

Hon. Mr. MILLER suggested that the hon. Senator might allow the Bill to be read the second time.

Hon. Mr. BELLEROSE said the Bill as it stood was unconstitutional, and the principle ought not to be admitted by the House.

Hon. Mr. MILLER said he understood the rule was to be so amended, that the Bill could be referred to the Supreme Court, if not amended in committee in such a manner as to remove its objectionable features.

Hon. Mr. BELLEROSE said if such were the case, he had no objection to the Bill being read the second time, but he gave notice that he opposed it, not only on the ground that it affected civil rights, but also because it affected education, and unless the Bill was amended, he would move that the measure be referred to the Supreme Court.

Hon. Mr. SCOTT said the House seemed to be of opinion that the rule was altogether too stringent. He quite concurred in that opinion, and thought it was a mistake in the House to tie itself up in such a manner. The hon. Senator from Bowmanville having declared that he proposed to make certain modifications, he saw no objection to letting the Bill pass the second reading. Having made such a declaration, the hon. Senator was bound by it.

Hon. Mr. SIMPSON said he had sent a copy of the Baptist Bill, passed this

Session, to the parties interested in the Bill before the House, showing the important changes that had been made in it, and asked whether such a measure would be of any use to them. The reply was that they would rather have the Bill as it stood, but they were willing to accept whatever the Senate chose to give them. His intention was to have the Bill amended in committee, in such a manner as to bring it in harmony with the Baptist Bill to which he had referred.

The amendment was withdrawn.

The Bill was then read the second time.

### RAILWAY ACT EXTENSION BILL.

#### SECOND READING.

Hon. Mr. PELLETIER moved the second reading of Bill (38) to extend to the Province of Prince Edward Island, the Railway Act, 1868, and certain acts amending the same. He explained that the object of the measure was simply to extend the Act of 1868, and all subsequent amendments, to Prince Edward Island.

The Bill was read the second time.

### QUEBEC FIRE ASSURANCE COMPANY'S BILL.

#### SECOND READING.

Hon. Mr. PELLETIER moved the second reading of Bill (21) to amend, and to consolidate as amended the several acts relating to the Quebec Fire Assurance Company. He said when this Bill was presented in the Commons its principal object was to enable the company to dispose of the shares of stockholders, on which nothing had been paid, but the committee to which it was referred, thought proper to consolidate this and several other acts relating to the Quebec Fire Assurance Company. The Bill, therefore, contained very little new legislation. The eighth clause empowered the directors to dispose of the shares of shareholders who had omitted or refused to pay instalments due thereon. Notice must be given once a week for two months in the *Canada Gazette*, and in two newspapers, one English and one French, in the city of Quebec, declaring the shares to be for-

Hon. Mr. Simpson.

feited, and that they must be sold. The proceeds of the sale are to be applied to paying instalments due and costs of sale, and, in case there be a surplus, it is to be handed over to the proprietor. The eighteenth clause gives the company power to establish agencies in other provinces besides Quebec.

The Bill was read the second time,

### BANK OF LIVERPOOL BILL.

#### SECOND READING.

Hon. Mr. KAULBACH moved the second reading of Bill (22) "An Act respecting the Bank of Liverpool." He said this Bill contained no new or exceptional legislation. The bank having sustained heavy losses in the course of its business, asked to have its shares reduced and to be authorized to issue preferential stock.

Hon. Mr. MILLER said the banking institutions of the town of Liverpool had not achieved a very desirable reputation. It was the only community that had brought discredit on the banking institutions of Nova Scotia, and the House and the Committee on Banking and Commerce should understand that this was a subject that should arrest their vigilant attention. It was well that they should know the history of those banks in Liverpool. He felt it his duty as a representative of Nova Scotia, to bring this subject before the House.

Hon. Mr. KAULBACH said there was no desire to relieve the bank of any of its liabilities. The only object they had in view was to reduce the value of the stock.

Hon. Mr. HAVILAND thought the House should have more information before passing this Bill. He had good reason to know that the banks of Liverpool that had sprung up like mushrooms from time to time had injured those who had anything to do with them. Consequently the House should have more information before consenting to the second reading of this Bill.

Hon. Mr. DICKEY said, while it was perfectly proper to call attention to this Bill, yet, upon looking over its provisions, they did not seem to be open to very severe criticism. At the same time he thought it was but right they should be

narrowly scanned by the Committee. If it contained any provision to relieve the shareholders from any of their liabilities, he would be very reluctant to let it pass. There had been other bills before the House this Session which deserved to be closely scanned, and it would be the duty of the Committee on Banking and Commerce, to see that this measure, when returned to the House, contained nothing objectionable. Under the circumstances he thought his hon. friends should be satisfied with calling attention to the nature of the Bill, and allow it to pass the second reading.

Hon. Mr. KAULBACH said, the Bill as introduced in the House of Commons, contained objectionable clauses, but these had been amended. He could not understand the objections of the hon. Senator from Prince Edward Island (Mr. HAVILAND) who, without pointing out any provisions of the Bill to which he could take exception, had cavilled at it.

Hon. Mr. HAVILAND said, it was the duty of a member when introducing a bill to explain its object, particularly when it was proposed to reduce the stock of a banking institution.

Hon. Mr. KAULBACH said, he had already explained the object of the measure.

The Bill was read the second time.

#### ONTARIO MUTUAL LIFE ASSURANCE ASSOCIATION'S BILL.

##### SECOND READING.

Hon. Mr. REESOR moved the second reading of Bill (16) to incorporate the Ontario Mutual Life Assurance Association. He said, the object of the measure was to extend to the Dominion the powers which this company had been exercising under an Act of the Ontario Legislature.

The Bill was read the second time.

#### STADACONA INSURANCE COMPANY'S BILL.

##### SECOND READING.

Hon. Mr. POWER moved the second reading of Bill 10, "An Act to authorize the Stadacona Fire and Life Insurance  
*Hon. Mr. Dickey.*

"Company to reduce its capital stock, and for other purposes." He said he had taken the liberty the other day to give notice that he would move the second reading of this Bill, not because he had any particular interest in it, but because no other member had risen to do so. The Bill had been made necessary by the great fire in St. John, which had almost ruined the Company. They had at first intended to abandon the insurance business altogether, but since then changed their minds and decided to reduce the capital stock and the number of directors, and discontinue the business of life insurance. They proposed, in the first clause, to reduce the shares from \$100 to \$30, and that each shareholder should be liable to pay up \$25 on each share held by him, in addition to the \$35 already paid. The Bill provided that no liability already incurred by the Company should be affected by it. He understood there was no objections to the principle of the Bill, and any amendments which might be considered necessary could be made in committee.

Hon. Mr. CAMPBELL said he did not object to the principle of the Bill, but it certainly required some amendment. The Company had decided, in consequence of heavy losses, to give up business altogether, but subsequently they changed their minds, and it seemed hardly fair to compel stockholders to go on with the business, whether they would or not, and to pay \$25 on each share. There should be a clause allowing shareholders to retire from the Company if they so desired.

Hon. Mr. DICKEY said no explanation had been given as to how those who held life insurance policies were to be protected.

Hon. Mr. RYAN said the last clause of the Bill, which empowered the Company to withdraw the amount deposited with the Government on re-insuring life policy-holders in other companies, was a most important one and should be closely watched. He called attention to the fact that, though the Bill was called "The Stadacona Fire and Life Insurance Company," there was no provision for altering the name, although there was a clause to give up life insurance. This was another example of bills coming from another place where they boasted their measures were

carefully investigated. Of course it would receive attention in the Senate, and he merely mentioned it to show the fallacy of saying that, because a bill passed the other House, it should pass the Senate without consideration.

Hon. Mr. MILLER said the experience of years had proved that half the work of the Senate towards the latter part of each Session was amending bills which came from the House of Commons in an imperfect state.

Hon. Mr. AIKINS said this was practically a Bill to incorporate a new company. After the large fire at St. John the company found itself so embarrassed that it had to call up the payments on shares, and, he believed, the liabilities had, at that time, been fully met. It was quite understood then the Company were not going to continue in operation, and, in consequence, their business passed away from them to other companies. Now, it was proposed to form a new company, and he thought it unfair to compel stockholders in the old company to be stockholders in the new one. He thought that was a principle which should not be sanctioned by the Senate. No doubt the Bill would be amended in committee.

Hon. Mr. TRUDEL said he had the good fortune to be one of the shareholders of this company, and knew something of its affairs. He thought the position of the company was quite as good as that of many other insurance companies, and was not in such a precarious situation as would be inferred from what had been stated by some hon. gentlemen. He did not think the intention of the company had ever been to discontinue the business. Before the St. John fire, several fires had occurred by which the company was involved in severe losses—there having been seven large fires, within fifteen months. The directors of the company were so much disheartened by the St. John fire, that a majority of them decided to discontinue the business temporarily, and they gave notice that for some time they would not take new policies. To put their customers perfectly at ease, they offered to the policyholders, if they chose, to re-insure in some other companies, if they did not feel satisfied with the solvency of the Stadacona. This course did not meet with the approval

*Hon. Mr. Ryan*

of the stock-holders. A meeting of the share-holders of the district was held in Montreal, where it was unanimously resolved to continue the business of the company, and a delegation was appointed to proceed to Quebec, to express that decision. A general meeting was held at Quebec, at which, as far as his information went, an overwhelming majority of the shareholders decided that the company should continue. It was considered at the time, that the first resolution taken by the majority of the directors was to be regretted, but still the company found that since the operations were stopped, it was a prudent measure not to take new risks before the company had settled all the claims due. Since then the position of the company had been better than had been supposed. Several calls had been made on the shareholders to the amount of 20 per cent., forming thirty-five cents on the dollar with the calls already paid, which was considered sufficient to pay all claims against the company, and to leave the necessary deposit required by law in the hands of the Government, and the necessary means to continue business. Since then it had been decided to reduce the business of the company. In fact, the company had been organized on such a footing that in a few months it had done an immense business; but it was thought better, owing to the commercial crisis, and the severe losses suffered, to reduce operations, in order to have it more under the control of the directors in Quebec. It had been said that the business of the company had not been properly managed, but he thought it had been no worse in that respect than any other insurance companies, as the loss had been no greater. It would be remembered that another company came before Parliament a short time ago, asking for the very same legislation this company now sought—a reduction of stock. They would still remain with a large capital, so he could not see how the interests of the public could possibly be injured by this legislation, as a reduction of capital would take place at the same time with a reduction of business.

Hon. Mr. AIKINS said many shareholders had taken stock in this company on the understanding that it was a Life Company as well as a Fire Company, and now, when it ceased to be a Life Company, he would ask the hon. gentleman if

he would have the same desire to take stock in it. He believed Parliament had no right to legislate shareholders into any arrangement of the kind without their consent.

Hon. Mr. TRUDEL said he thought the modifications asked for were the same as those allowed to other companies. For instance, not very long ago, permission had been granted to another company to strike from its charter Marine Insurance. The liabilities of the present shareholders would remain the same in favor of the policy-holders for the past, and the interested parties would be amply secured.

The Bill was read the second time.

The House adjourned at 10:50 p. m.

### THE SENATE.

Wednesday, March 27th.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### THE PUBLIC EXPENDITURE OF THE DOMINION.

Hon. Mr. CAMPBELL resumed the adjourned debate on the hon. Mr. Macpherson's inquiry, viz:—

“That he will call attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and will inquire of the Government how it is proposed to restore the equilibrium between income and expenditure.”

He said:—I am unwilling to resume the debate upon this question without offering to my hon. friend from Saugeen my congratulations upon the effect which his speech of last Session has produced, alike upon friends and opponents, throughout the country. That speech has attracted the attention of both Ministers of the Crown, and the public. Replies have been attempted by the Premier and the Finance Minister in addresses to the country, and by the hon. Secretary of State in this House. His (Mr. Scott's) speech of last Session has been characterized by the Prime Minister, as having been a complete answer to my hon. friend,

Hon. Mr. Aikins.

yet he himself evidently thought otherwise, or he would not have occupied the House with the somewhat weary details which engaged his and our attention some two or three days, a week ago. A reply has also been attempted by the hon. Minister of Agriculture, and finally we had the attempt by the hon. gentleman whom we know to be almost the parent of the Ministry, the hon. Senator from Lambton.

Hon. Mr. VIDAL—Not Lambton.

Hon. Mr. CAMPBELL—I hope the hon. gentleman will allow me to speak of Mr. Brown as the Senator from Lambton, because he desires to be so designated, and we know, and admire, and speak of my hon. friend (Mr. Vidal) as the Senator from Sarnia. I think my hon. friend from Saugeen is entitled to this congratulation, because on friend and foe the effect of his speech is acknowledged. We see evidence of it in the pains which Ministers take to reply to it, and by the demand which has sprung up for the perusal of the speech itself. I was a witness, with my hon. friend, of the demand for copies in the North-West last summer. The first thing we heard in Winnipeg was a demand for numbers of that speech. The very first thing I heard in this House, after having had opportunities of speaking with hon. gentlemen from all parts of the Dominion—and hon. gentlemen around me heard it as well—were congratulations upon the usefulness of the speech; upon the admirable manner in which the tables were collated, and the effect it was producing throughout the country. The Ministry profess to be surprised at the course pursued by my hon. friend from Saugeen. They profess to find in it something contrary to the course which he has usually pursued, and to find in him a partizan of the late Government, and on party grounds, an opponent of theirs. As to his having been a partizan of the late Administration, all I can say is, when we were in office, I always found him one of your too candid friends, altogether too much so to be comfortable, and he was as often opposing as supporting the Government. I think the course he pursued towards the late Administration he has pursued towards this. He has weighed measures upon their merits and endeavored to deal with them without any reference to partizan feeling. Of course, as

the hon. Senator for Lambton said, every member of this House is influenced by party feeling more or less, but I think the tables my hon. friend from Saugeen has collated and used, and the care he has taken, show almost conclusively that he endeavored to be fair. I think I can say he has been fair, and that, if he erred at all, it has been in leaning too much to the side he opposed. The hon. gentleman's motives are plain on the face of the facts he has detailed to the House. He is identified with the prosperity of the Dominion. He has a large stake in the country, as many of us have, he, happily for himself, larger than most of us, and it was but natural that he should have enquired what should be done in the serious state of public affairs in 1876. The hon. gentleman then found the surplus of eight years amounting to \$12,000,000, which had grown up under the late Government, and which indicated the immense prosperity that the country had enjoyed, had been converted into the alarming deficit of \$1,900,000. Surely that was enough to alarm any one having a large stake in the country. It alarmed all of us, and why should the hon. Senator be accused of being led too far by party feeling, because he saw in that deficit evidence of the disastrous course which was being pursued by the Government, and that he should deem it his duty to draw attention to it? Nothing could be more natural, or could more completely warrant the motto which I see he has put on the publication of his speech: "The situation of this country is alarming enough to arouse the attention of every man who pretends to concern for the country's welfare." It is true the situation was alarming enough to arouse every thinking man's attention. My hon. friend not only saw that deficit but was afraid, unless the attention of the country were called to it, another deficit would follow it, and his apprehensions were unhappily too well founded. The deficit last year amounted, as acknowledged by the Finance Minister, to \$1,500,000, and this is short-stated, because there should have been added to that, the amount placed to the debit of the Suspense Account, \$343,000. It was attempted to misguide the House upon that point, or at all events to lead the House to understand there was nothing

in the entry which ought to be rectified or which did not accurately represent the state of affairs. Now the object of all such entries is to represent to the public mind the true position of public affairs. The entry in question had not that effect. The \$343,000 figured as an asset, when in truth it had been expended on the Intercolonial Railway, and should have been charged for the maintenance of that work to Revenue. It makes the country appear as \$343,000 more wealthy than it really is. If it had been entered as it should have been it would have increased the deficit by that amount. He who runs may read that a sum of that kind should have been charged to the service for which it was expended, and should not figure in a Suspense Account. You may as well put anything else in the Suspense Account—the supplies purchased for these buildings, or for the canals, for instance. There is no reason why those items should not just as fairly, honestly, and correctly, figure in the Suspense Account as this \$343,000, which represents certain rails used in renewals on the Intercolonial Railway, and, therefore, stands just as oil, nuts, locomotives, wear and tear, or any other expense connected with the running of that railway. When that item appears to the debit of the Suspense Account, and figures as an asset, it is quite clear the Public Accounts do not tell the truth with reference to it. No merchant would make such an entry in his accounts, otherwise they would be totally misleading. Happily my hon. friend from Saugeen discovered and pointed it out, and the country will not be so misled again. Undoubtedly, if that \$343,000 had been entered, as it ought to have been, the deficit would have been increased by that amount. There is another item, Sales of Public Works, \$110,000, which should also be added to the deficit. It is impossible to trace out whether those public works originally figured in Capital Account or not, but I do not think anyone familiar with accounts would say that the item ought to appear as Revenue. Evidently it is an exceptional item, and should not figure as Revenue, and therefore it ought to be added with the item in the Suspense Account, to the \$1,500,000, which would make the deficit \$1,900,000, or nearly the same deficit as in the preceding year. No wonder my

hon. friend's apprehensions were again aroused (and it is fortunate for the country that they were aroused) and he was led to direct public attention again to these facts. The circumstances under which my hon. friend made his speech last year, and his speech this year, and to which these replies have been attempted on behalf of the Government and the hon. Senator from Lambton, will now be understood. The statements which he made last Session were of a very serious character. He said there was an increase of the annual controllable expenditure of 1876 over 1873 of \$3,677,000, and in 1876 over 1875 of \$717,000. I draw attention particularly to the excess of expenditure of 1876 over 1875, because as to the expenditure of 1875, I think there can be no pretence there was any responsibility by the late Government. They had been out of power for nearly two years, and they cannot be held responsible for the expenditure of 1875. The fact that there was such an excess in the controllable expenditure of 1876 over that of 1873 cannot be denied. The figures are given by my hon. friend in detail, as can be seen by reference to my hon. friend's speech in the official report of the debates of the Senate, and the fact that the increase amounted to \$3,677,000, has not been denied by the hon. Secretary of State, or the hon. Senator from Lambton, or by anyone outside of the House. But what is said by the hon. Secretary of State is that a comparison between the expenditures of 1873 and 1875-6 is not fair, because the present Government were so tied down by the Estimates and Bill of Supply of 1873-4, and the legislation of that year, that they had not the opportunity of exercising that economy which they otherwise would have exhibited. These hon. gentlemen say the legislation of 1873-4 fastened on them certain charges which they were obliged to pay, and certain works were commenced which must of necessity be finished, and they were driven to spend for these two reasons money which they otherwise would not have expended. I think it is into the merits of this defence we must enquire if we want to come to an accurate judgment as to the allegations of my hon. friend from Saugeen. The hon. Secretary of State in the first place lays great weight upon the estimates of Mr.

*Hon. Mr. Campbell.*

Tilley of 1873-4. He says these were the estimates of the late Government, that they showed what public works were contemplated; they were the estimates which the present Government found, and that they were unable to restrict the expenditure because they found these estimates, and the supply based upon them, passed. He says "Look at our expenditures! They did not reach those estimates by more than \$300,000, and so the late Government were more extravagant than we have been." That is the position of the hon. Secretary of State. As to the comparison, it seems to me you cannot compare estimates with expenditure. The estimates represent the calculations of the Finance Minister of the day. Whether he makes full or close estimates depends not only on his political leanings, but also on his mental temperament, whether it be of a sanguine or a cautious cast. For instance, we know a gentleman who would be almost sure to think there would be money for every purpose, and who would be disposed to make a very liberal estimate—I speak of him with the greatest respect—Sir A. T. Galt. On the other hand, a gentleman who would be likely, from the nature of his mind, to make a very close estimate, was Sir John Rose. The estimates are only the impression on the mind of the Finance Minister at the time as to what the revenue and expenditure are likely to be, and they do not find the Ministry to the expenditure of the sums they are found to contain. Nobody knows that better than the hon. gentlemen from the Maritime Provinces, but the representatives of all the Provinces know that it does not follow because an item appears in the estimates that it is to be expended. How many times did the item of \$500,000 appear in the estimates for the Baie Verte Canal?

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—That is Capital Account.

Hon. Mr. CAMPBELL—How frequently did items appear for the St. Peter's Canal and a variety of works which were not going to be constructed? There was no absolute pledge they were to be constructed, but the Minister of Finance thought they were to be proceeded with if the revenue continued to increase. If, on the other hand, the revenue showed a

falling off they would not go on. It depended entirely on the state of the revenue as it came in whether a large portion of the expenditure would take place or not. So with other works. Items were placed in the Estimates from time to time, but it did not follow that the works were to be proceeded with. It has been the same with this Government, and I will read the result, even this last year, of a comparison between the estimates and expenditure. The hon. gentlemen would be very loath indeed to be charged with their estimates instead of their expenditures.

Hon. Mr. SCOTT—I made no reference to items charged to Capital Account.

Hon. Mr. CAMPBELL — I will not make any reference to Capital Account.

Hon. Mr. SCOTT—The hon. gentleman referred to the Baie Verte Canal.

Hon. Mr. CAMPBELL—I did so for the purpose of showing that the fact of an item appearing in the Estimates did not necessarily imply that it would be expended. Now, let us look at the Estimates of last Session. There is a large balance brought forward from 1875-6, which had figured in their Estimates and in their Supply Bill, but they would consider it the most unfair thing in the world to be charged with spending money which remained unexpended. Last year the unexpended balance was \$773,000. So, neither in the experience of the late Administration, nor in their own practice, have the Estimates indicated, in that accurate manner which the hon. gentleman would have us believe, the actual expenditure, for which the Government must ultimately be responsible. I take it that if any Government were framing Estimates, if they found the revenue buoyant and redundant for a series of years, that would be a satisfactory explanation to Parliament why the Estimates were liberal; and if, on the other hand, the revenue were falling off, that would be ample explanation to the House of Commons why certain works, not commenced, should not be undertaken. Up to the very year in which those Estimates of Mr. Tilley's were framed, the country had happily been in the receipt of a large income, constantly swelling year by year since Confederation. It was no wonder

*Hon. Mr. Campbell.*

the estimates were full and ample. But does it follow, when these hon. gentlemen found the revenue was not going to keep to the full volume, Mr. Tilley expected that they were to be tied down like children to Mr. Tilley's Bill of Supply? I quite admit the principle laid down by the Minister of Finance in his first Budget speech. It is one to which I, at all events, take no exception. That was, in the first place, that certain legislation had been passed, which increased the burden upon the country, and they could not be charged with extravagance because they spent the money which the Legislature made it necessary they should expend. Mr. Cartwright said, in his first Budget speech:

“The Legislation of last Session added over \$1,500,000 to the fixed charges of this country, in full view of the fact we were pledged to one of the most gigantic schemes this country ever undertook.”

That is, the Pacific Railway. It will be seen that the Finance Minister, who is a higher authority (I say it without any disrespect) than the hon. Secretary of State or the hon. Senator for Lambton, gauged the increased expenditure attributable to the legislation of 1873 at \$1,500,000. Now, with reference to the works commenced before the change of Government, I think the present Administration should not be charged with extravagance because they finished them. Mr. Cartwright continued:—

“I must again repeat that it would be in the last degree unjust to my hon. friend, the Minister of Public Works, to hold him responsible for this state of things, or to ask him to stop works already commenced, and to put a reduced sum in the Estimates; but when the works now engaged in are completed, which I expect will be the case in eighteen months, a considerable saving will be effected in the annual expenditure, though for this a considerable period of time is necessarily required.”

I think the Government are entitled to ask at the hands of this House, in considering this question, that they shall not be held responsible for what was forced on them by the legislation of 1873, or charged with extravagance for completing the works commenced by their predecessors. The Finance Minister had every facility for making an estimate of the charge which that legislation imposed on the country, and he placed it at \$1,500,000. We have now to ascertain how far the Gov-

ernment were fastened down by the works commenced by their predecessors. This is a more difficult estimate to make, and I think we can only arrive at it approximately. But we can get at certain works which the present Government commenced and expended large amounts upon, which were not begun in 1873. In the speech of my hon. friend from Saugeen last Session, will be found a list of these works. They are various in their localities and somewhat different in their circumstances. The amount in 1874 was \$327,552; in 1875, \$203,546, and in 1876, \$556,596—total amount expended in those three years on works charged to Consolidated Fund, which were not commenced in 1873, \$1,087,694; so that the excuse that they were tied down by their predecessors is clearly to this extent not borne out by the facts. Can anyone say they were obliged to begin these works and go on with them? Is there any reason why they should not have practiced the economy they thought desirable in these works? They were entirely in their own hands, and they might or might not have begun and gone on with them as they chose. Yet, in the face of a falling revenue, in the face of the deficit of the preceding year and the alarming decrease in the revenue of the succeeding year, they commenced many of these works, and when charged with it they excuse themselves by saying, "We could not practice the economy we desired, because of the manner in which we were hampered by works commenced by our predecessors, and by the legislation of 1873." As I have said, the excuse is just so far as the works commenced by their predecessors, and the expenditure resulting from the legislation of 1873 are concerned, but it does not apply to the expenditure on works to which I have referred, amounting in the aggregate, since the change of Government up to the end of 1876, to \$1,087,000. Upon these works and all departmental and other controllable expenditure, they could have practiced the economy which the diminishing resources of the country so eminently demanded. Now, I have kept entirely away from expenditures on Capital Account, except when led into it by a reference to the Baie Verte Canal to show the Estimates were not of that building, obligatory character they were represented

*Hon. Mr. Campbell.*

to be. The expenditures on capital have apparently all been on railways, canals, and public buildings in Ottawa. I judge so from a return put into our hands the other day, in which the items chargeable to capital are those I have stated—canals, railways and public buildings at Ottawa. I have kept clear of those and confined myself wholly to controllable expenditure, and I think it has been established beyond the powers which have been brought by the Government to assail it, that the Government expended in the neighbourhood of \$3,677,000 more in 1876 than in 1873; that of this sum \$1,500,000 was fairly chargeable to the legislation of 1873, and that another but comparatively a small sum estimated by my hon. friend from Saugeen, at \$377,000, should be deducted as representing any other expenditure to which they may have been committed chargeable against revenue by their predecessors, that they therefore had the opportunity of economising to nearly half the whole amount if they had seen fit; that the Estimates of 1873, like all other Estimates, were not of the obligatory character that hon. gentlemen opposite have contended, and that beyond all doubt, they had undertaken and spent large sums on a number of works not commenced in 1873, which there was nothing in the world to make it compulsory on them to begin. The premises and deduction of my hon. friend from Saugeen, seem to me to have been thoroughly sustained, and after allowing full credit for the charges imposed by the legislation of 1873, and for the necessity of completing works which had then been undertaken, an excessive and controllable expenditure, to the amount of something like \$1,800,000, had been made by these gentlemen in 1876 over 1873. The speech which my hon. friend from Saugeen made, this Session, was not one calling for the warmth of feeling shown by the hon. Senator for Lambton, or the wonderfully long returns which seem to have been prepared for the purpose, and which the hon. Secretary of State kept us occupied with for a couple of days. His (Mr. Macpherson's) speech was a fair review of the claims which the Government had established for economy, in the matters which he had the year before brought under our notice. He very fairly took the gross amount of their alleged saving, as as-

serted by themselves, of \$1,810,000, and asked how far is this really an economy? He applied himself, I think, in a spirit of perfect fairness, to ascertain whether what he urged on the Government last year, had had any effect, and whether he could find fair reason to congratulate them on their course. The amount of decreases he admitted to be \$1,810,000, and the amount of increases \$474,000. Then he finds the item of \$343,000 in the Suspense Account, which is really short-charged. Instead of being an asset it should be charged to the Intercolonial Railway. The increases and this item make \$818,000, and this, deducted from the apparent decreased expenditure, leaves an apparent decrease of \$992,000. It is with reference to this amount that my hon. friend enquires what are the savings?—is it real economy, or does it represent works completed? It is in the answer to these questions we find whether there is

economy or not, or whether these gentlemen have considered the position in which the country is placed, with a deficit two years in succession. Militia and Defence shows a decrease of \$428,000. You look through the items and find the decrease resulting from diminishing usefulness of the force from the abandonment of camps and training. The staff remains very much as it was, and the decrease is upon what was previously paid to the men. Apparently, also, there was a decrease in not keeping up the supply of military stores. Either the supply purchase the year before was enough for two years, or the Government have dispensed with stores for this year. Then, in Public Works there is a decrease of \$686,000. Are they entitled to credit for this? You find the savings result from the fact that a number of works have been completed. The following is a list of these works:—

*Harbors, Piers, Breakwaters on which Expenditure was incurred in 1876-1877 with list of new items for 1877 only.*

PLACE.	1876.	1877.	PLACE.	1876.	1877.
Kingston H.....	6,267		<i>Brought forward.....</i>	433,788	264,522
Cobourg.....	23,403	8,060	Cow Bay.....	46,458	8,656
Port Hope.....	14,372		Ingonish.....	17,926	24,851
Port Stanley.....	4,732	3,394	Mabou.....	10,084	
Bayfield.....	18,398	21,200	Margaree.....	3,000	
Kincardine.....	4,668	10,514	Harbourville.....	2,000	
Owen Sound.....	5,500		Broad Cove.....	3,000	
Port Darlington.....	5,000		Margaretville.....	5,000	
Port Burwell.....	3,422	5,173	Oyster Pond, Chedabucto	2,000	
Chantry Island.....	41,624	36,095	Michaud and Mark Points	97	10,228
Goderich.....	127,200	86,175	Cranberry H.....	2,000	
Toronto.....	2,824	17,075	Church Point.....	2,000	
Ohawa.....	5,000		Saulnierville.....	2,000	
Saguenay.....	2,000		New London, P. E. I.....	503	
Bagotville.....	2,000		Tignish.....	4,557	4,750
Bas St. Paul.....	8,000		Colville Bay.....	20,000	19,871
Malbaie.....	8,000				
Eboulements, ext. of B'kr	7,500				
Riviere Blanche, P.....	873	1,080			
Dipper H.....	279		ON THE FOLLOWING THERE		
Point du Chêne.....	7,228		WAS NO EXPENDITURE		
Richibucto.....	10,853	1,621	IN 1876.		
Shippegan.....	6,312	9,135			
St. John Harbor.....	64,335	65,000	Thunder Bay.....		5,999
Grande Anse, B. des Chal's	3,000		Riviere Ouelle.....		1,213
Campobello.....	600		Musquodobit.....		1,000
Meteghan Cove.....	5,000		Chipman's Brook.....		2,750
Liverpool H.....	8,933		Lingan Beech.....		2,000
Jordan Bay.....	17,465		Tracadie.....		873
Oak Point.....	15,000				
Trout Cove.....	4,000				
	433,788	264,522	Decrease in 1877.....	554,413	346,713
					207,700
					554,413

Hon. Mr. Campbell.

This is not the retrenchment which they promised when they went into office. Who does not remember the loud promises made with reference to retrenchment and economy?

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—These were chiefly works which were completed and on which they could not spend money if they tried. The following is a list of the public buildings completed:—

*List of Public Buildings and Works for which expenditures were incurred in 1876 and 1877.*

NAME.	1876.	1877.	NAME.	1876.	1877.
Hamilton P. O. ....	1,762	.....	<i>Brought forward.</i> .....	550,385	267,304
Toronto Custom House....	31,694	41,939	Fort Pelly Barracks.....	33,966	.....
“ Exam. Warehouse	149,562	33,196	Cus. House, &c., Manitoba	40,092	5,057
Ottawa P. O. ....	72,704	18,136	Barracks, Battle River...	8,000	.....
Kingston Military School..	55,659	33,729	Public Buildings in N. W. ....	.....	75,470
“ Fortifications....	3,303	.....	British Columbia.....	14,731	.....
Toronto Savings' Bank, &c	3,879	.....	Mar. Prov. Penitentiary..	21,860	20,294
St. Catharine's M. Hospital	2,000	.....	St. Vinc. de Paul “	4,076	5,907
Grosse Isle, Quar. Station.	10,695	3,671	Manitoba “	60,597	39,791
Levis Marine Hospital....	2,003	.....	B. Columbia “	78,114	47,218
“ Fortifications.....	15,357	.....	Penitentiaries.....	3,673	5,000
Montreal P. O. ....	71,783	11,186	.....	.....	.....
“ Ex. Warehouse.	74,843	110,229	.....	.....	.....
St. John's P. O. ....	27,243	4,146	.....	.....	.....
“ Custom House..	2,081	.....	.....	.....	.....
Pictou Custom House....	14,086	7,364	.....	.....	.....
Halifax Quarantine Station	1,010	228	.....	.....	.....
Yarmouth “ “	152	550	.....	.....	.....
Sydney Marine Hospital..	6,995	2,123	Guelph Custom House....	.....	13,111
Souris Marine Hospital...	3,574	807	Quebec Fortifications .....	.....	5,927
	550,385	267,304	.....	815,494	485,079
			Decrease in 1877. ....		330,415
					815,494

These are the items which go to make up the \$686,118, which they say they have saved on public works. I ask is there any economy there for which the Government is entitled to credit? Then the Dominion Lands surveys in the preceding year were so extensive as to render it unnecessary that any should be made this year. That can hardly be claimed as a saving; this item amounts to \$122,320. Then, there is a decrease in the item of “Military forces in Manitoba.” If that is partly caused by withdrawing the troops from Fort Osborne, Winnipeg, I think it is a very dangerous saving. We have between Winnipeg and the Rocky Mountains, 25,000 Indians of our own, besides the band of Sitting Bull and the Sioux. It is true no trouble with them has yet arisen, but we know how easily

Hon. Mr. Campbell.

they are excited, and we never can tell the time when a military force may be required in the North-West. The Government have assumed a responsibility which I, for one, would not like to have taken. This item amounts to \$51,947. Then, there is a decrease in the item for Boundary Surveys, \$134,105. We know that is due to the fact that the survey of the line between the Dominion and the United States is completed. Then, the item Settlers' Relief Fund, \$83,405, shows a decrease. Happily there is no necessity for such an item this year. These items amount in the aggregate to \$1,505,974 or \$513,000 more than the sum which they claim credit for economizing. Where is the retrenchment, where the economy? They led the public to believe they had saved \$1,810,000. That is the represen-

tation which has gone abroad, and which the Public Accounts are intended to convey, but when you come to dissect it you find all these sums I have mentioned, and which they pretend to have saved, must be deducted from it, and the result shows an increased expenditure on possible items of retrenchment, to the amount of more than half a million. The deficit this year amounts to nearly one-third of the interest on the public debt. Fancy such a deficit occurring in England! It amounts to one-eighth of the whole taxation of the country and one-tenth of our entire revenue. The revenue of Great Britain is about £80,000,000 a year. If there were a deficit of seven or eight millions of pounds, what an alarm it would create! Would people there wonder if attention was called to it by a member of Parliament? Would they expect instead of it being carefully looked into and the prospect gravely considered, and an answer given such as would satisfy the anxiety of Parliament and give confidence to the country—an answer that would go to the common sense of the community and showing there was reason to believe the deficit would be checked—that the reply would be such as was given by the hon. Secretary of State the other day, that he depends upon the hope of the future.

“ Hope tells a flattering tale,  
Delusive vain and hollow  
Ah! let not hopes prevail  
Lest disappointment follow.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—I propose now to address myself for a few moments to the answer given by the Minister of Agriculture to the remarks of the hon. Senator from Saugeen with respect to the expense of immigration. In the first place the House will bear in mind that my hon. friend's object was to show how far that expenditure bore fruit and was useful. My hon. friend said the expenditures for procuring immigrants in 1877, was \$209,000, and that the number of immigrants who came by way of the St. Lawrence was 7,000, and that they cost the country nearly \$27 each. This seemed a very startling statement and in very great discrepancy with the reply of the hon. Minister of Agriculture, and there must be something astounding in the Public Accounts if both statements can be established

Hon. Mr. Campbell.

out of them. My hon. friend from Saugeen said the number of immigrants was 7,000; the hon. Minister of Agriculture, that they were 27,000. My hon. friend from Saugeen said the expenditure to procure immigrants was \$209,000; the hon. Minister of Agriculture that it was only \$110,000. My hon. friend from Saugeen said the cost *per capita* was nearly \$27; the hon. Minister of Agriculture that it was \$4.08. Now, I again draw the attention of the House to the fact that the enquiry of my hon. friend from Saugeen was for the purpose of showing how far this expenditure bore fruit, and it is with reference to that point we must look at his statement. He does not include the arrivals from the United States. Is there a dollar expended there for bringing in immigrants?

Hon. Mr. PELLETIER—Certainly. We have agents there.

Hon. Mr. CAMPBELL—I will read over the items composing the \$209,000 in the Public Accounts, and the House will see where the money has been expended, because, if you want to test the results of the expenditure, you must see where it has been made and the number of immigrants we get for it. (The hon. gentleman has read over every item in the Public Accounts included in the \$209,000, which Mr. Macpherson had divided by the number of immigrants coming in at Quebec, Halifax, St. John, and Portland, Maine.) I submit the immigrants from the United States, except possibly a comparatively small number of French Canadians, come to this country of their own accord, and not as the result of the expenditures of the Immigration Department. Now, let any hon. gentleman read over the items and see if any one of them is connected with the United States.

Hon. Mr. PELLETIER—Yes, Dr. Whiteford was traveling all the year in the United States.

Hon. Mr. CAMPBELL—Is there another?

Hon. Mr. PELLETIER—Yes, Mr. Lalime.

Hon. Mr. CAMPBELL—I knew a Mr. Whiteford, a Canadian, residing in England, and I supposed it had been his name which appeared in the accounts. I

see his expenditure was \$2,763, and Mr. Lalime's, \$3,897. Mr. Lalime, I suppose, would be traveling to get French Canadians to return to Canada.

Hon. Mr. PELLETIER—Not exclusively.

Hon. Mr. CAMPBELL—Well, chiefly for that purpose.

Hon. Mr. PELLETIER—No, he was a regular agent.

Hon. Mr. CAMPBELL—Will the hon. gentleman mention any more, if he can, who were working in the United States?

Hon. Mr. PELLETIER—This is quite a new ground, and I am not prepared to answer now.

Hon. Mr. CAMPBELL—I contend it is perfectly true, and everyone knows it, that the exertions of the Immigration Department are not directed to procuring immigrants from the United States, save as regards expatriated French Canadians, but from Europe, and my hon. friend from Saugeen stated distinctly it was the immigrants who arrived at Quebec he referred to in his statement, because they are the only fruit the Government can take credit for from the expenditure on immigration. My hon. friend from Saugeen included the arrivals at Halifax, St. John, and Portland, as well as the arrivals at Quebec, in his statement. The arrivals from the United States into Manitoba, numbering over 2,084, he has excluded, and why not? What possible connection can they have with this expenditure?

Hon. Mr. PELLETIER—I will show you presently.

Hon. Mr. CAMPBELL—Then, the next item is most extraordinary of all—“reported with settler's goods by custom “houses, 11,759.” These people come of their own free will into this country, yet the Government take credit for bringing them here as immigrants produced by the labours of the Department of Agriculture. I acquit the hon. Minister of Agriculture of intentional misrepresentation, but could anything be more misleading than to point to these arrivals as the result of the expenditure of his department? The hon. gentleman also stated that the refunds from the provinces had not been credited by the hon. Senator from Saugeen. He has credited them. They are

*Hon. Mr. Campbell.*

in the Public Accounts, and my hon. friend deducted them, and the result is the net expenditure of the department for procuring immigrants was \$209,000. The hon. gentleman also charged him with not having credited the Icelandic immigrants' refund. That also was deducted, and is not included in the \$209,000.

Hon. Mr. PELLETIER—What year do you speak of?

Hon. Mr. CAMPBELL—I speak of 1877. I refer only to the speech of this Session and the replies to it, and I say it was answered in a way that was misleading by the Minister of Agriculture. The \$209,000 represents the expenditure after making these deductions, and the result of it has been to bring some 7,000 immigrants into this country, making the *per capita* cost \$26.50 per head. I carelessly stated it a few moments ago as \$27.

Hon. Mr. PELLETIER—I will prove that to be incorrect when you have done.

Hon. Mr. CAMPBELL—I now turn for a few moments to the hon. Senator from Lambton, who found fault with my hon. friend from Saugeen for introducing financial matters into this Chamber, where he said we have no machinery for inquiring into the Public Accounts. He went so far as to say it diminished the efficiency or usefulness of this House, and said my hon. friend had “railed” at or brought “railing accusations” against the Government. With reference to the charge that it was an error to introduce financial matters in this House, and that its usefulness has been prejudiced thereby, I ask hon. gentlemen who heard the speech of my hon. friend from Saugeen last Session, whether they found, when they visited their homes and other parts of the country, that the reputation or usefulness of this House was not, in the eyes of the people, increased by that speech, and the debate upon it?

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—I daresay these debates and investigations have been inconvenient to the Government and disliked by the hon. Senator for Lambton, but that they have diminished the usefulness of this House, I utterly deny, and I am surrounded by hon. gentlemen who know that the House has not been injuriously affected, but quite the reverse.

by the debates of last Session and this Session, connected with this class of subjects. With regard to the accusation of "railing at the Government," what could be more unfair? Does my hon. friend from Saugeen ever make a statement that he does not follow up by figures and statistics carefully prepared? Who of us has gone into those figures as he has done? Which of us exposes himself so little to charges of that kind? I am amazed at the industry of my hon. friend who, removed as he is, I believe, thoroughly from political aspirations, and with no motives but the good of the country and the advancement of his own fair fame at heart, has spent week after week, again and again, preparing those statements which have borne the brunt of every enquiry. So far from being open to the accusation of railing, I think the House will say he is entitled to, and will receive at the hands of the majority of the people of this country, every credit for his exertions, and the result he has achieved. The hon. gentlemen opposite charge my hon. friend with having based his statements on a fallacy—the expenditure of 1873-4. I have already answered that in my remarks on the speech of the hon. Secretary of State, and I will not again refer to it. The hon. Senator from Lambton said the Government were committed, when they entered office, to an expenditure of \$96,300,000 on public works. I do not know what works he alluded to. If he took in the Pacific Railway and meant that this Government was committed to that amount, they certainly have not gone on with it, save as they themselves thought expedient. Outside of that I do not know what public works there are to cause such an expenditure. Then he said there were \$35,000,000 of the public debt to be provided for. They ought to be exceedingly grateful they had an opportunity to provide for it. They simply reduced the rate of interest, and have all the credit of doing so. Whether they could have reduced it still more, I will not discuss now. The hon. Senator (Mr. Brown) shouted this statement at us with great vehemence, as though he were mentioning some appalling fact. Where is the room for this violent mode of attack adopted by the hon. gentleman? He not only referred to all those facts, but charged my hon. friend

*Hon. Mr. Campbell.*

from Saugeen, in addition, with having stated things which were not correct, with having reviled the Government, and having charged them with not presenting the accounts truly. The fact is, my hon. friend from Saugeen made no such charge. What he did say was, that some servants of the Government in the far West, he suspected, had not sent in honest accounts. I don't think anybody in the House understood it as the hon. Senator from Lambton did. The hon. Secretary of State, for a few moments, seemed to be under that impression, but it passed away. The only charge made against the present Government with respect to the mode of keeping the Public Accounts was with reference to the Suspense Account, and he said that presented an untrue view. There can be no doubt it did. The hon. Senator from Lambton also said my hon. friend from Saugeen had held the Government responsible for the increased interest. He did no such thing. He excluded that in his speech of last year. Every item of the public debt and interest was carefully excluded, and it was so stated over and over again, as any one who will refer to the speech can see. The hon. Senator from Lambton asserted that the entire public expenditure of 1876-7 exceeded that of 1873-4 by only \$300,000, and that, he said, was a complete answer to the allegations against the Government. Let us test the accuracy of that. In the first place, the expenditure of 1873-4 is put down by the hon. gentleman at \$23,316,000. In order to bring it up to that amount the Government charged to revenue a sum of \$545,000, for rolling stock, and snow sheds for the Intercolonial Railway, which sum was voted as capital and should have gone to Capital Account. Having improperly charged that amount to revenue, they ask to have the expenditure of that year made the basis of comparison. Then, there was in that year the exceptional charge of \$106,000 for elections. It was not a normal expenditure in any way, and it should have been excluded from a comparative statement. Then there was \$69,330 customs, erroneously, I suppose, collected from the Great Western Railway Co., which was refunded to the Company in that year, and \$407,000 expended on the Dawson Road, which completed it. These were exceptional items. So was the \$404,000 expended

for military stores, which were not required or at any rate supplied again. These items, amounting in the aggregate to \$1,273,907, should be deducted from the expenditure of 1873-4 in order to make it a fair basis of comparison with the expenditures of subsequent years. If it is said in reply that there may be items of that kind in the expenditure of succeeding years, I say, in answer to that, there was a good deal of exceptional expenditure in 1873-4 which I have not mentioned which could fairly be put against exceptional items in subsequent years.

Hon. Mr. SCOTT—Snow sheds are similar to rails, which are charged against revenue.

Hon. Mr. CAMPBELL—No; the rails are for the purpose of repairing the road, but the rolling stock and snow sheds are part of the original equipments of the road, and should go as capital. The money expended, too, was voted as capital.

Hon. Mr. SCOTT—They are not as permanent as rails.

Hon. Mr. CAMPBELL—I venture to say they are more permanent.

Hon. Mr. READ—Last year they were charged as capital.

Hon. Mr. CAMPBELL—Last year, as my hon. friend near me says, similar items were charged to capital. Here is an item voted as capital which they charged to revenue to swell the expenditure of 1873-4.

Hon. Mr. FERRIER—Snow sheds are just the same as stations.

Hon. Mr. CAMPBELL—There can be no doubt the item was put to revenue for the purpose of blackening the expenditure of 1873-4, and the other items were used for the same purpose, and having increased it unfairly as much as they could, they say, "We want that taken as the basis of comparison with the expenditure of succeeding years." The effect of making the reductions to which I have referred, is to place the expenditure of 1873-4 at \$22,000,000, and this would show an increased expenditure in 1874-5 of \$2,445,963. These figures are made up in a different way from the statement of my hon. friend from Saugeen, and go to prove the accuracy of his conclusions. I wish my hon. friend from Lambton was

*Hon. Mr. Campbell.*

here, because one could speak more freely, and I daresay with more interest to the House, if one had the advantage of seeing him present. He wound up with eulogizing the Government. He had never known such a Government.

Hon. Mr. AIKINS—That is true.

Hon. Mr. CAMPBELL—The Ministry are the creatures of his breath, and it must be satisfactory to them to be praised by him, but being so closely connected with them, he looks with natural fondness and affection on all they do. I do not think the public will share in the admiration of my hon. friend from Lambton. He closed with a bold and striking challenge, defying any one to produce evidence of even any "culpable neglect or thoughtless waste" on the part of the Government. I accept that challenge, and I ask was there no "culpable neglect or thoughtless waste" in the expenditure connected with the Georgian Bay Branch of the Pacific Railway, in which a gentleman, now no more, who was supposed to have peculiar claims on their gratitude, was given a contract where there had never been a survey, and where it was found impossible to go on with the work? Finding this to be the case, they gave him \$109,000, \$40,000 for expenses he had been put to, and \$69,000 called an advance upon rails.

Hon. Mr. SCOTT—The rails are there yet.

Hon. Mr. CAMPBELL—The greater part of the rails which they got, they actually loaned to him again, and they were used by him in another railway in which he was interested, where they now are. They took as security bonds of the South-Eastern Railway Company, which nobody would give a farthing for. Instead of insisting upon the performance of the contract, they gave back the securities, advanced \$69,000 on the contractor's rails and then lent him a large portion of them and took as security South-Eastern Railway Company's bonds, worth nothing. Was there no evidence of culpable negligence or thoughtless waste in all that? Then again, they purchased steel rails in 1874 without authority from Parliament, enough to lay 555 miles of track of the Pacific Railway before a mile was located. The hon. Secretary of State told us two or three years ago, where those rails were going to be laid, and led us to believe

they would be *in situ* one or two years ago, yet the bulk of them are piled up at Kingston and Esquimaux, and other places, corroding, monuments of the folly and incapacity of the Government. Was there no evidence of culpable negligence and thoughtless waste in a transaction which involves the loss of two millions of money, absolutely thrown away in those rails, over and above what they might have since been purchased for, which money might have been in the Public Treasury? Then they gave \$235,000 worth of steel rails to the Truro and Pictou Railway, which they had presented to a local company. An arrangement had been made by which the Truro and Pictou road was to be handed over as a subsidy to a company who had undertaken to build a road from New Glasgow to the Gut of Canso, and after having made the bargain, the Government unnecessarily and voluntarily expended \$235,000 on the road they were giving away. Was there no culpable negligence and thoughtless waste there? Was there not thoughtless waste at Fort Francis in building a lock at a cost of, at all events, \$300,000, which is of no use, and which the hon. Secretary of State is driven, in sheer despair, to excuse, by saying it will be useful in a military point of view, "and for lumber purposes?" We know that a slide might be constructed for a few thousand dollars to take down all the lumber that will ever pass down Rainy River. We know millions of feet of lumber have been taken down the Ottawa for tens that will ever be taken down Rainy River, and that nothing more costly than slides has been used for the purpose. Was there no "thoughtless waste, or culpable neglect" in constructing public buildings, at an expense of \$60,000, at Fort Pelly, which they were afterwards obliged to abandon, and construct other buildings at Battleford? Was there no "thoughtless waste" in spending \$67,000 at the Kaministiquia for an inconvenient site for the railway terminus, when they could have got one twice as good for half that amount? Is there no "culpable neglect" in the way they have gone on with the Welland Canal works, spending millions on the lower end, where the improvements can be of no use whatever until the water is

*Hon. Mr. Campbell.*

let in from Lake Erie, by locks yet to be constructed at the head of the canal? The interest on the amount which they have thus expended, before the other works upon which these depend can be constructed, will be in the neighborhood of \$750,000. The items which I have mentioned amount to something like \$3,500,000. I will recapitulate:—

Amount paid for Surveys as alleged on relieving Mr Foster of his Georgian Bay Branch, contract	40,000
Advance to him on rails, a large portion of which rails were loaned to him again on security of Eastern Counties Railway bonds	69,000
Loss on purchase of Steel rails including interest &c. estimated at	2,000,000
Expended unnecessarily on Pictou and Truro Railway, after it had been agreed to be given away	235,120
Fort Francis Lock at least	300,000
Fort Pelly buildings abandoned	60,000
Kaministiquia terminus	50,000
Loss of interest on Welland Canal improvident expenditure	750,000

And, I will ask hon. gentlemen, is there not abundant evidence of "culpable neglect and thoughtless waste," in many, if not all, of the items to which I have referred? And let us bear in mind also, that, had it not been for the action of this House two sessions ago, they would have gone on with the Georgian Bay Branch, and the Esquimaux & Nanaimo Railway.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—They would have built a railway on Vancouver Island along an arm of the sea navigable all the year round, over a line of country where there does not live a single being.

Hon. Mr. MACDONALD (Victoria)—I beg the hon. gentleman's pardon; that is not correct.

Hon. Mr. CAMPBELL—How many are there?

Hon. Mr. MACDONALD—I cannot say.

Hon. Mr. CAMPBELL—There may be some close to Victoria, and in the vicinity of Nanaimo, but the intervening territory is a wilderness.

Hon. Mr. SCOTT—That was the terminus your Government fixed.

Hon. Mr. CAMPBELL—The Government are not bound in the least by that. The terminus might or might not have been

at Victoria, and certainly would not have been there until the main line had been built; but the question now is whether the present Government were justified in the course they contemplated pursuing, and which, but for the action of this House, they would have taken in building this road when, and for the reasons they gave, on Vancouver's Island, the very place of all others one might fairly contend where the construction of a railway could have been postponed to the very last. I think, then, I have established the correctness of the course pursued by my hon. friend from Saugeen. His figures have borne the test of the closest scrutiny and have not been successfully assailed. I do not believe they can be controverted, and I trust that the debates upon them will go to swell the stream of conviction, which, is I am satisfied, settling down on the minds of the people of this country, from one end of it to the other, of the hollowness of the professions which the members of the Administration made to obtain office, and every one of which they have broken to retain it, and of that want of capacity which has led them to tell us they rely upon "hope" to redress recurrent and alarming deficits, and to confess that they are unable to use the power with which they have been entrusted even to alleviate the depression which under their auspices has overtaken so many of the commercial and manufacturing interests of this once flourishing country.

Hon. Mr. PELLETIER—I have been charged by the hon. gentleman who has just taken his seat, with having made a statement to this House with the intention of misleading the public. I admit that the hon. gentleman acquitted me of doing so personally, by saying, no doubt it was through the overzeal of some members of my Department. I made a statement the other day that may have surprised the hon. gentleman from Saugeen, but I am willing to repeat it to-day, and I think I can prove that that statement is correct. It is true it is quite a different statement to that made by the hon. member, and one of us must be wrong; but I contend that I am not the one who is in error. The hon. gentleman has made the erroneous statement that only 7,743 immigrants

came to this country last year (1877) as the result of the operations of our agents.

Hon. Mr. MACPHERSON—Is the hon. gentleman speaking of my speech of this Session, or the one of last Session?

Hon. Mr. PELLETIER—I am just referring to the speech of this Session, in which the number stated by the hon. member, as entered into Canada by the St. Lawrence, is 7,743, of which number there are only in reality 4,201 of actual immigrants for Canada, the remainder being passengers, immigrants having through tickets to the Western States. But will the hon. gentleman contend these were all the immigrants that came into Canada in 1877? He must be aware that all the immigrants who come into this country do not come by Quebec only, but that many of them come by Halifax, St. John, N. B., Portland and the Suspension Bridge. The number that came by Quebec last year was 4,201; by Halifax, 930; by St. John, 141; and by Suspension Bridge, 6,453. In addition to those others came by other ports; and will the hon. gentleman pretend to say that it has not been due to the exertions of the Department that they were brought into Canada? Will he pretend to say that all who came in by the Suspension Bridge at Niagara, were not foreign immigrants coming to settle in this country, and that they are not here in consequence of the diligence exercised by the agents of the Department, and the distribution of pamphlets and circulars in different countries, and which cost a great deal of money? The hon. gentleman finds fault that we have made a distinction in those who have emigrated to Manitoba. The 2,084 immigrants that came in there, as mentioned, went in from the United States and not from Canada. It is against our policy to encourage emigration from one province to another in the Dominion. This is the first time I have heard the statement that the reports of the Department are not to be depended upon. The accounts are open to the public and any one who takes the trouble of enquiring at the Department, will find that the number of true immigrants in 1877 was 27,082, and I maintain that the strictest scrutiny will prove that they are immigrants who come directly to this country as settlers. The hon. member for

Saugeen, maintained the other day, that his statement was perfectly correct, and, of course, that mine was wrong; but if hon. gentlemen will follow me they will see my statement was not incorrect. Take, for instance, the year 1876, which is the last year mentioned in the hon. gentleman's pamphlet at page 58, they will find the statement of the hon. gentleman that the number of immigrants was 10,901 and the gross expenditure was \$385,845. This sum is perfectly correct according to the Public Accounts, but there is an item of \$12,333 erroneously represented as Quarantine expenses to be deducted from that.

Hon. Mr. MACPHERSON—Is not all the expenditure for quarantine properly chargeable against Immigration?

Hon. Mr. PELLETIER—No. The whole amount of Quarantine for 1876 was \$23,975, and I see no reason for putting that sum to Immigration expenses; and it should be deducted from the \$385,845 which the hon. gentleman states as the total expenditure for 1876. The hon. gentleman bases his calculations on this, that the cost of immigrants is \$26.55 per head. I say it is entirely a wrong calculation; \$385,845 is the total expenditure for 1876 for Immigration and Quarantine, but in calculating the cost *per capita* of our immigrants, the expenses of Quarantine must be deducted, as it has only incidentally to do with immigration, and we would be obliged to maintain Quarantine even though not a single immigrant came to our shores.

Hon. Mr. READ—Then it should not be chargeable to immigration.

Hon. Mr. PELLETIER—Quarantine is maintained for cattle as well as for human beings. We have three stations, one for Quebec, one in Nova Scotia, and one in New Brunswick, but I contend that they should not be included in the cost of immigration. The hon. gentleman has deducted for the Mennonite loan, \$96,341. I admit that, but that is not all. If he will look in the Public Accounts of last year, he will find another item there that he did not calculate, the amount of \$1,301.67 paid to Mr. Shantz for the transport of Mennonites, and for which sum we have ample security. If the hon. gentleman looks at the Public Accounts he will find that the refunds paid

Hon. Mr. Pelletier.

by the Provinces for immigration in 1876-7, besides the amount already deducted, were \$16,417, which should also be deducted from the \$385,845, which he claims was the cost of immigration for that year. His *per capita* cost of \$26.55 has been calculated without deducting all those items from the gross amount. But more than that, the number of immigrants should have been taken as 25,633 instead of 10,901 as the hon. gentleman has calculated on. If the hon. gentleman would, from the gross expenditure of \$385,845, deduct the following item: \$23,975 for quarantine; \$97,731 instead of \$96,431 for loan to the Mennonites, and \$16,417 for refunds by the Provinces, besides the two sums deducted at page 115 (part II) of Public Accounts, he would find that the net expenditure for immigration in 1876 was \$247,722, and by dividing that net sum by 25,633, the real number of immigrants, instead of dividing by 10,901, the *per capita* cost, is \$9.65 instead of \$26.55 for that year, 1876.

Hon. Mr. TRUDEL—Was not the comparison between the accounts of 1873-4 and 1876-7 based on the same items and charges in both cases?

Hon. Mr. PELLETIER—Of course, the same mode and the same error was followed in making up the calculation for each year. I do not pretend that the hon. gentleman made a false calculation, but I do say that the basis of his calculation is not correct. Though it is denied by the hon. leader of the Opposition, I contend we have ample proof in our Department that all arrivals entered as immigrants in this country have come and settled here through the exertions of our agents in the United States and in Europe. It is well known that we have travelling agents who distribute pamphlets and deliver lectures on the advantages which Canada affords to immigrants, and we can prove that 25,633 was the *bona fide* number that came to Canada in 1876. And even though there is a decrease in the arrivals last year, there has also been a decrease in expenditure, as compared with that of the previous year 1876, of \$100,393.

Hon. Mr. MACPHERSON—Will the hon. gentleman allow me to ask him the amount of his refund to Mr. Shantz?

Hon. Mr. PELLETIER—It is \$1,301.-

67, not refund, but advance for Menno-nites.

Hon. Mr. MACPHERSON—I see a refund here to Mr. Shantz of \$5,018, which I concluded was in the net amount. I think I shall be able to show to the House that all my statements with respect to the cost of immigrants are correct.

Hon. Mr. PELLETIER—Besides that sum of \$5,018 the hon. gentleman has forgotten to deduct the other sum of \$1,301.67.

Hon. Mr. KAULBACH—If the reasoning of the hon. Minister of Agriculture is correct, he would lead me to believe that all the immigrants who come in here from the United States first go to that country through the efforts of our agents in Europe, instead of coming direct to Canada. If the hon. gentleman calculates the number of immigrants from the United States, he should also give us the number that emigrate annually from this country to the United States.

Hon. Mr. PELLETIER—The greater number of the immigrants who arrive by the Suspension Bridge at Niagara are not Americans, but immigrants from Europe, who come *via* the United States in the winter season when the St. Lawrence is closed, and enter Canada by the Niagara route, but I could not at this moment give the number of those who came directly from the United States to Canada.

Hon. Mr. MACDONALD (Victoria)—The hon. gentleman from Kingston has made a powerful speech, but he made one statement that I cannot allow to pass without correcting it, though I believe the error was not intentional on his part. He stated that the country between Victoria and Nanaimo is a perfect wilderness. That is not the case. There are a great many beautiful farms in that district, whose owners are very wealthy—in fact it is the garden of the whole island. There is besides, a good deal of excellent land to be taken up yet. There is a fine country at Comax, which is well settled, and the railway would have been a great convenience to the people, besides forming a portion of the main line, as was intended under the first scheme for building the road.

Hon. Mr. POWER—Hon. gentlemen: I am not very familiar with figures, and  
*Hon. Mr. Pelletier.*

I should not undertake to say anything on the question now before the House, if I saw that any hon. gentleman on the Government side was disposed to rise. However, this is not the case just now; although three hon. gentlemen have spoken on the opposite side since the hon. Mr. Brown addressed the House from this side a few evenings ago.

Before going further, I should like to put before the House, as briefly as I can, my own opinion on the manner in which this question should be regarded. In the first place, I think it is very important to decide where we should start from. I presume that one of the principal objects of the hon. gentleman who has brought up this question (Mr. Macpherson) was to show that the present Government have been extravagant, that they continue to be extravagant, and probably will continue to be extravagant, if retained in office; and that they have been more extravagant than their predecessors would have been, had they remained in power. In order to arrive at a correct conclusion on the matter, it is very important to ascertain who are responsible for the various large expenditures which have taken place, and what our basis of comparison should be. The hon. Senator who brought this matter before the House, in the speech which he made this year, and in the one which he delivered last Session also, insisted that we should take as the basis of our comparison, the expenditures of the year 1872-3; and the hon. gentlemen who have spoken on the Government side have contended that we should take the year 1873-4 as the basis. I shall endeavor to show that the position taken by the hon. gentlemen on this side of the House is the correct one. In the first place, in order to know what the Government formerly in power would have done, we should take them as they were immediately before they left office. In 1873, the Government of that day had just come back from the country with a very considerable majority. They had ceased to have as Minister of Finance, the Hon. Sir Francis Hincks, who, as is generally admitted, was a very skilful and prudent financier; and Mr. Tilley occupied that position. Now, if we wish to judge what the former Government would have done had they remained in power, we must judge them by

their actions immediately anterior to their resignation. Most hon. gentlemen have read Mr. Tilley's Budget speech for 1873, and I think it was a speech that was likely to produce a great deal of confidence in the financial condition of the country; it was of a most roseate hue all through. But when Mr. Tilley brought down his Estimates and Supplementary Estimates, they, together with the legislation of that year, involved the necessity of much larger taxation than he proposed to put on. He did not propose to meet that expenditure, as he should have done under the circumstances, by additional taxation. He talked in the most jaunty and confident way of the good time that was before the country, and the great future of the Dominion, and this, although his attention was called by members of the Opposition to the fact that there were grave doubts as to whether his revenue would meet his estimated expenditure. The total amount which Mr. Tilley took power to expend, was \$23,685,000. I may say here, that there has been some misapprehension as to the statement of the present Finance Minister, relative to the addition of \$1,500,000 to the fixed expenditure of the country during the Session of 1873; and I think that the hon. Senator who brought this matter before the Chamber, in the first instance, misunderstood the expression of the Finance Minister. He did not mean the addition of \$1,500,000 for that year, but that the legislation of the year 1873 had added for all time the sum of \$1,500,000 to our annual expenditure.

Hon. Mr. CAMPBELL—Certainly.

Hon. Mr. POWER—I do not think that there is any doubt on the mind of the hon. gentleman from Kingston on this subject; but there have been doubts in the minds of other gentlemen on it, and the matter has been misrepresented elsewhere. Chapters 30 and 41 of the Acts of 1873, increased the annual expenditure by \$819,349; then Chapter 31 of the Acts of the same year, referred to by the hon. Secretary of State, as the Bill which was to increase everyone's salary, increased the salaries of Judges, Ministers and Lieutenant-Governors, and the indemnity to members of Parliament, and added \$300,555 permanently to the annual expenditure of the country. The Act, Chap. 40, which pro-

Hon. Mr. Power.

vided for the Admission of Prince Edward Island into the Confederation, added about \$400,000; and Chapter 35, providing for the organization of the Mounted Police, \$200,000. Those items which I have just read are to be added to the estimates of that year; and in addition to that, certain balances were carried forward, which make the total estimate of Mr. Tilley up to \$23,685,000. It is perfectly true, as stated by the hon. gentleman from Kingston, that although the Finance Minister puts a sum in the estimates, it does not bind the Ministry to expend it; still, I think it will be found, as a general rule, that there is a pretty close correspondence between the estimates and the sums actually expended in any year. If the Finance Minister of one Government takes authority to expend certain sums for certain objects, and the expenditure is begun under that Government, it can hardly be said that the Government who succeed, and who continue those expenditures within the estimates, are responsible for them. The estimates have to be taken as an intimation by the Government of the day as to what they propose to expend; and the late Government were clearly responsible for all the sums which were expended in 1873-4, and contained in the Supply Bill of 1873. They had declared that they intended to expend the whole amount; and although it was not all expended by the succeeding Government, and possibly would not have been expended if the late Government had remained in power, still they took authority for the whole expenditure, and are therefore responsible for what actually took place. Then there is the question as to the sums that were not provided for in the estimates of 1873, and which will be found in Schedule "A" of the Appropriation Act of 1874. In order to see who is responsible for that expenditure, it will be necessary to refer to the Act itself. The first item is Charges of Management, \$12,550, which, when we read the items, we find to have all accrued previous to the change of Government. Under the head of Civil Government there is a charge of \$30,000 for contingencies of the departments, for which the former Government are responsible, as also the sum of \$5,000 for circuit allowances to Judges in British Columbia.

Then there is the sum of \$6,000 addi-

tional for the Quebec River Police. This is a small amount, and would have been expended, I presume, whoever was in power. Under the head of Legislation there is the sum of \$39,605.50 chiefly for the Session held in the month of October 1873; and there is, I presume, no doubt, but that the late Government were responsible for that. Then there is \$7,000 for Marine Hospitals. Then under the head of Militia there is \$60,000 for Maintenance of Dominion Forces in Manitoba. There was no increase in that item by the present Government, and the late Government would have expended the money. Rent of Barracks in Manitoba, from 1870 to November 1st 1873, \$20,000, is an item for which the former Government were clearly responsible. Mounted Police, \$200,000: this expenditure was made under the Act passed by the late Government; and the force was organized by them. Intercolonial Railway construction, \$427,000; that was expended by the previous Government or in pursuance of their policy. Public Works Chargeable to Income, \$425,215.91. For every item under this head, the late Government were solely responsible, as will be seen by any hon. gentleman who will take the trouble to read over the list as given in the Schedule. For \$32,267.85 under the head of Ocean and River Service; \$43,825 under that of Light House and Coast Service: of Fisheries, \$12,000; and Indians \$57,455, there is no responsibility to be attached to the present Government. I do not say that the money was not all properly spent; I only say that for its expenditure the late Administration was responsible. Under the head of Miscellaneous there are items amounting to \$65,562.35, for every one of which, as will be seen on reference to the list, the late Government were answerable. For almost all the items under the head "Collection of Revenue" amounting in the whole to \$298,689.75 the same Government were responsible. With the "Unprovided Items" amounting to \$177,832.37 they alone are chargeable. Finally, there are a number of items under the heading of "Balances carried Forward." Almost all these sums were chargeable to the former Government, and they amount in the whole to \$480,282. Any one comparing the Supply Bill of 1874 with the Public Accounts, will find that at least

*Hon. Mr. Power.*

\$2,000,000, of an expenditure of \$2,400,286.42 was directly due to the action of the late Government; and that the total was not increased by their successors. It appears, then, that practically that Administration was responsible for the whole of the expenditure of 1873-4, or rather that if they had remained in power up to the close of the financial year they would not have expended less than was expended by the present Government, and that possibly they would have expended more.

I shall now take up the comparative statement of the public debt. According to this statement in the Public Accounts, which Accounts have been made up by the same officer for many years, we find that on the 1st of July, 1867, the gross debt of the Dominion was \$93,046,051.17, and next year it was almost \$97,000,000. The following year it was \$112,000,000; and in 1870 it was \$116,000,000. There was no increase in 1871; but in 1872 it was \$122,400,179.36; in 1873, \$129,743,432.19; and in 1874, \$141,163,551.33. Now, Mr. Cartwright did not effect any loan until after the 1st of July, 1874; so that, so far as regards the amount of debt up to that date, there can be no dispute as to the responsibility. Up to 1875, as it happened, there were surpluses every year; but in 1875 there was a deficit, and there was also a smaller deficit last year. But for the change of tariff made by Mr. Cartwright in 1874, there would have been a deficit in that year. Mr. Tilley's estimate of the receipts for that year, was \$21,740,000, which, including the receipts from Prince Edward Island, would make a total of \$22,000,000; and as the expenditure was \$23,316,316, there would have been a deficit that year but for the fact that Mr. Cartwright anticipated it by increased taxation. Mr. Tilley's estimate was a close one, because the tariff was the same that year as the year before, and the importations were almost exactly the same. Thus, Mr. Tilley's estimate would have been short about \$1,300,000. I may call attention to the fact that if the debt has increased, the interest on that debt is now at a lower rate than it was in 1874. In that year the average rate of interest on the debt was \$5.12 per hundred dollars, whilst at the present time it is only \$4.86 per

hundred dollars, a difference of twenty-six cents, which means one-twentieth of the whole interest. The whole amount of interest we pay is over \$7,000,000: one-twentieth of that is a very respectable sum; and I think the Government deserve some credit for the reduction. I am very glad to see that the hon. gentleman from Kingston did give them credit for it.

I shall next say something on the question of expenditure chargeable to income, and take up the comparative statement which is in the Public Accounts. I find that the total charges on the Consolidated Fund in 1867-8, amounted to \$13,486,092. That represents, as every hon. gentleman knows, Charges for Debt and Subsidies, Ordinary Expenditure, and Charges on Revenue. Next year the amount was over \$14,000,000; the following year it was \$14,345,000; in 1870-1, \$15,623,000; in 1871-2, \$17,589,000; in 1872-3, \$19,174,000; and finally in 1873-4, the annual charge on the Consolidated Fund had risen to \$23,316,316. At the present time the total charges on the Consolidated Fund amount to \$23,519,301.77, or \$200,000 more than in the last year of the former Government. Now, it must be remembered that the population of the Dominion has increased about 400,000 since the change in the Administration; and the fact is that the taxation on the people of this country, instead of being greater, is somewhat less per head, than it was in 1873-4. If we examine the particular items in this statement, the result of our examination will certainly not be disadvantageous to the country. I find that in 1873-4, the charges for the management of the Public Debt were \$238,003; and that in 1876-7, the same charges were \$183,544. At the same time that the Finance Minister and the Government deserve a good deal of credit for having reduced the charge of management to that extent, they have also increased the amount paid into the sinking fund. Under the head of Civil Government, which is a matter supposed to be peculiarly under the control of the Administration, the amount was \$883,685, in 1873-4. Last year it was reduced to \$812,193. While the population to be governed has increased considerably during the intervening time; the cost of governing them has fallen off. The cost of the Administration of Justice has increased, but the reason for that has

been given at some length by the hon. the Secretary of State, and I shall not further refer to it. The charge for Police, has fallen from \$56,387, in 1873-4, to \$11,355. Legislation cost in 1873-4, \$784,000; last year it had been reduced to \$596,000. The present Government, however, do not perhaps deserve very much credit for that, as a portion of the expenditure in 1873-4 was caused by the extra Session of that year; and the present Government cannot be expected to provide a Pacific Scandal for investigation, as did their predecessors. Under the head of Militia and Defence, there has been a very great saving indeed this year—a saving of nearly half a million of dollars. There has been a saving, also, in the Ocean and Steam Service. The Light-House and Coast Service has been about the same as last year, but there has been a slight increase. I think there has been a considerable saving under the head of Contingencies, an account which is peculiarly under the control of the Government, and against which money that has been improperly spent is more likely to be charged than any other. There has been a very considerable amount of money expended on Public Works, but I think that it will be seen from the statement which has been submitted in a return to an order of the House of Commons, of the 4th March, of this year, that the present Government have not originated very much of that expenditure. I shall not weary the House with the details, but I shall say, that the total expenditure since the first of January, 1874, on works chargeable to capital which were in progress on that date, was \$28,447,188; and the whole amount expended on such works begun subsequent to that time, to the 8th February, of this year, was only \$88,616. So that the Government cannot be charged with having commenced a great deal of work chargeable to capital. Then with reference to works chargeable to income, it will be found that authority had been taken in 1873 to expend the greater portion of what has been expended on those works since, amounting to \$2,761,857. The hon. gentleman from Kingston stated that the present Government had spent \$1,082,000 on works originated since they came into power. It is hardly to be expected that the present Government, during the four years they have

been in office, would not have undertaken some new works, especially since such large sums of money had been expended by the late Government in some sections of the Dominion, while other sections had been neglected. Then, again, Prince Edward Island was not a portion of the Dominion in 1873-4, and a considerable amount had to be expended in that Province on public works. There is this to be said, with reference to the deficits of the past two years, that they are owing altogether to the expenditure on the Pacific Railway; if there had been no Pacific Railway there would have been no deficit.

Hon. Dr. CARRALL—And no steel rails.

Hon. Mr. POWER—As the Finance Minister said in his Budget Speech of 1874, Canada would have been quite able to manage its business and to have dealt liberally with all the ordinary services of the country, if it had not been committed to this unfortunate expenditure in connection with the Pacific Railway. As to the course that has been adopted by the Government in building that road, I do not think I am bound to express any opinion.

Hon. Gentlemen—Hear, hear.

Hon. Mr. POWER—But I mean to say, so far as my private individual opinion is concerned, that, while I am opposed to the undertaking altogether, if it had to be gone on with, I think it would have been sufficient if the road had been built from Pembina to Winnipeg, to connect with American railways hereafter to be constructed, and to have done without the road from Red River to Lake Superior for some years to come. On the other hand, while there is no question, in my own mind, that that could have the most desirable course, there was a very strong pressure brought to bear upon the Government, not by their friends, but by the gentlemen who were opposed to them, to push on the construction of the Pacific Railway.

Hon. Mr. PENNY—Hear, hear.

Hon. Mr. POWER—Gentlemen who opposed the Government persistently declared that the Government were not going to complete that railway, that they were not going to carry out the pledges made

*Hon. Mr. Power*

by Canada to British Columbia. The influence of the Imperial Government was invoked by parties who were interested in having the road constructed at an early day; and between that influence and the others which I have mentioned, the Government were induced to make an expenditure on that road, and to begin the work sooner and with less preliminary surveying and enquiry than they otherwise could. I think the works at Fort Francis Lock are not absolutely necessary.

Hon. Dr. CARRALL—Hear, hear.

Hon. Mr. POWER—The probability is that if the work had to be done over again, it would not be begun at once; but that is a comparatively trifling error of judgment.

Some very prominent members of the Opposition—some leaders of the Opposition in the other branch of the Legislature—are very fond of telling Parliament sometimes, but more frequently out-of-door audiences, that the advent of the present Government was marked by a change in the circumstances of the country; that there was a very strongly marked line of division between the good times that prevailed under the former Government, and the evil times that have prevailed since.

Hon. Dr. CARRALL—Hear, hear.

Hon. Mr. POWER—Now, as those evil times, which have, to a certain extent, prevailed, though not to a very great extent in Canada, have been felt in the United States, in England, and in almost all parts of the world, that argument is not worth a great deal; but it suggests to my mind an argument of a very different character. There were seven good years previous to 1874: the crops were abundant as a rule; business flourished, and times were prosperous: the revenue nearly always exceeded the estimates, and everything was just as a lover of his country would desire, so far as the various industries of the Dominion were concerned. Now, how did the former Government which had all those advantages act? They had, in the first place, a much more limited territory than the present Government to look after; they had no Pacific Railway, and therefore had not to pay for its construction. They did not spend a great deal upon canals:

yet, with the comparatively compact territory which they had, the prosperity which prevailed, and an increasing revenue, they had, as I have shown, increased the gross debt from \$93,046,000 in 1867, to \$141,000,000 in 1873-4, during this period of unexampled prosperity. This increase was at the annual rate of \$6,873,928, or almost seven million dollars; which is not a very creditable record for the Government of that day. Then turning from the debt to the increase of the annual expenditure, we find that the yearly expenses increased in those seven years—that is the controllable expenditure—from \$13,486,000 to \$23,316,000; or, more accurately, an increase of \$9,830,223, or an annual increase in the expenditure chargeable to income of \$1,404,000. Now, supposing the present Government, which has administered the affairs of the country in very hard times, when instead of unexpected surpluses, there have been unexpected deficits, and have had to deal with so many more sources of expenditure than the former Government, had gone on and increased the expenditure at the same rate as their predecessors, the expenditure last year would have amounted to \$27,529,269.

Hon. Gentlemen—Hear, hear.

Hon. Mr. POWER—Just \$3,000,000 more than what it actually was. Now, it seems to me that this is not at all a discreditable exhibit for the present Government, particularly as the public debt has not increased in an undue proportion. This question occurred to me, looking at the fact that during the years of plenty, the late Government had succeeded in increasing both debt and yearly expenditure to such an extent, "What would it have been, if that Government had continued in power during the hard times that have followed?"

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. POWER—My own impression is, that the hon. gentleman who has brought this matter before the House, would have had much more reason to be horrified and appalled, than he has at present.

Hon. Gentlemen—Hear, hear.

Hon. Mr. POWER—I think the course that the former Government should have adopted, during the seven years of plenty,

*Hon. Mr. Power.*

was the course suggested by Joseph to the Egyptian king, that they should make some provision for the seven evil years, or years of want that were coming. But Mr. Tilley went out leaving behind him a largely increased debt and yearly expenditure, leaving the materials for a deficit of over a million of dollars, besides an enormous legacy of expenditures, that had been undertaken.

Hon. Gentlemen—Hear, hear.

Hon. Mr. POWER—In answer to the question, as to what should have been done by the present Ministry, I suppose the hon. gentleman from Saugeen would have dropped all those public works at once. I presume, from the tone which he has adopted, that that would have been his policy; but there were a great many objections to such a course. In the first place, a number of those works were public buildings which had to be completed; there were a number of piers, breakwaters, and other works of public utility, in an unfinished state, and if the expenditure on them had been discontinued, exposure to storms and weather would have destroyed them in a few years, so that the expenditure previously made on them would have been lost. There would have been no economy in leaving any work unfinished. The present Government have commenced very few works chargeable to capital, except the St. Peter's Canal; and the amount of works chargeable to income that they have begun, is only a trifle over a million of dollars. Then there is this objection to the course which has been suggested by the hon. gentleman, who has made this inquiry of the Government, that is, that at a time when labor is abundant, employment scarce, and wages comparatively low, works can be constructed more cheaply than during times of prosperity; and I think it would have been a very unwise policy if the Government, instead of continuing to give employment to the poorer classes of the community, and help them in their distress, had shut down on those works; as at some future day they would have had to pay a much larger sum for the completion of those same undertakings. These are the objections that present themselves, to my mind, to the course suggested by the hon. gentleman from Saugeen (Mr. Macpherson.) Then the hon. gentleman from Londonderry

gave a different opinion. His opinion was, not that the Government should have discontinued public works, but that they should have imposed larger taxation. In 1874, the Finance Minister, in his Budget speech, showed, I think, pretty clearly—and I think it is the opinion of the best authorities on the subject—that the tariff which we now have probably realized as much revenue as if it were raised, as importation would have been greatly reduced if the duties were largely increased. I think, independently of that, that a time when money is scarce in the country, trade dull, and the people poor, is the very worst time to increase their burdens. I think an additional debt of \$3,000,000 is much more easily borne and less objectionable from every reasonable point of view, than the additional taxation that would have been necessarily imposed upon our people in a time of distress, to prevent the two deficits which go to make up that debt. There is just one statement that I remember the hon. gentleman who has brought this question before the House made last year, and insisted upon with a good deal of force, and which, I presume, had much to do with the effect that the hon. member from Kingston says his (Mr. Macpherson's) admirable pamphlet produced—that is, that the present Government had increased the public debt *per capita* from \$22.50 to \$37.93. The hon. gentleman committed himself to the statement which also appears in the Public Accounts, that on the 1st July, 1876, the public debt of this country was \$161,204,000, and that the present Government had increased the indebtedness of the Dominion by \$15.43 *per capita*. Now, it appears from the Public Accounts that on the 1st July, 1874, the debt was \$141,163,000; so that the whole increase of the debt was only \$20,000,000; and, as the population is about 4,000,000, according to that statement the increase *per capita* can only have been \$5.00 instead of \$15.43. I am surprised that a gentleman who has pursued the study of figures to such an extent as the hon. gentleman from Saugeen professes to have done, could, with this statement before him, have been capable of so gross a blunder as that. I notice that the hon. gentleman did not repeat that statement this year; and I do not think that any hon. gentle-

Hon. Mr. Power.

man can endorse his statement, as to such a vast increase *per capita* of the public indebtedness. Then, the hon. gentleman said that the taxation had increased from \$3.50 under the late Government, to \$6.00 under the present Administration. It is perfectly clear that the total expenditure chargeable to the Consolidated Fund this year is only \$200,000 more than it was in 1873, and instead of there being an increase *per capita*, there has been a reduction, as the population has probably increased not less than 400,000; so that instead of the taxation having increased by \$2.50 per head, it has, actually, not increased at all.

It being six o'clock the House rose for recess.

AFTER RECESS.

Hon. Mr. POWER, resuming, said:—The first thing that struck me particularly in the address of the hon. gentleman from Kingston was his reference to the Suspense Account, and the charge for Intercolonial Railway track renewals. That entry had been referred to several times. I hardly thought that the hon. gentleman, who generally likes to give us something fresh and pleasant, would have spent any time in dealing with that. It is clear that there was not, and I do not think that it is pretended by the hon. gentleman from Kingston, or the hon. gentleman beside him (Mr. Macpherson) that there was any intention on the part of the Government or the party who prepared the Public Accounts to mislead the country on this item; because, if there had been, the entry would have been different. If only the sum of \$200,000 appeared in the Public Accounts, there might have been some show of reason for saying that there was an attempt to mislead. The whole amount appears there, and it is perfectly clear that there was no such desire on the part of the Government, and the only result of the system of book-keeping adopted in the Public Accounts was, to lessen the apparent deficit by the sum of \$343,000. I understand that, under the former Administration, expenditures of that kind would have been charged to Capital. Rolling stock was charged to Capital; and snow-sheds, which are as temporary as snow-rails, were also charged to that Account, under that Government. I do not think there

would have been anything out of the way in charging this whole amount to Capital, in which case it would not have appeared in the Account at all. I am informed that on some railways owned by companies, the renewal of rails is charged to Capital, and in others the amount is divided and put into a Suspense Account, in the way it has been done by the present Government. As the expenditure is one the results of which extend over a number of years, it would not show the average business of a road to charge such items all to one year. The hon. gentleman from Kingston, in speaking of this Suspense entry, wanted to know why they had not charged supplies for the buildings and other things that are consumed at once, to the Suspense Account; but I think I have given the reason why they should not be charged in the same way as rail renewals. Then he says that the Government should not credit themselves with \$100,000, derived from the sale of public works. I know no particular reason why they should not, and the hon. gentleman has given none. It has been also stated that the expenditure of the Government could not be compared with the estimates. I have compared the estimates and expenditures for some years back, and find that, although they did not agree exactly there was a general correspondence between them, and that there was the same general increase in the estimates previous to 1874 which there was in the expenditure. Then the hon. gentleman mentioned that there were certain items in the estimates of Mr. Tilley that were not expended. He mentioned among them the St. Peter's Canal. The St. Peter's Canal never appeared in the estimates at all until 1874; and on looking into the Debates of the Senate for 1871, I find that the hon. gentleman from Richmond, asked a question in reference to this matter, and the hon member for Kingston, who was then the leader of the Government in this House, stated in reply that the Government did not propose to spend any money in enlarging the St. Peter's Canal.

Hon. Mr. MILLER—The Government had not made up their mind to spend anything in 1871; it was in 1873 that the Government made up their mind to enlarge that canal.

*Hon. Mr. Power.*

Hon. Mr. SCOTT—Their mind does not appear anywhere apparently. We could never find an Order-in-Council, or a scrap of paper binding them.

Hon. Mr. MILLER—It appears in this way: An engineer was sent down by the Hon. Mr. Langevin, the then Minister of Public Works, to make a survey and report upon the expediency of enlarging that canal, and it was upon that report that the Government acted since they came into power in 1874.

Hon. Mr. POWER—The hon. gentleman from Kingston stated that there had been something like over \$1,000,000 worth of public works begun after 1873. The only sum charged to capital was some \$70,000 spent on the Saint Peter's Canal; and I think it was only reasonable that this Government being in power four years should have spent something on Public Works chargeable to income, that had not been begun by their predecessors. It was not to be supposed, after all the unnecessary works undertaken by the late Government, that the present Government should not undertake necessary works. With respect to the saving made by the Government last year, I was sorry to find that the fairness of tone that generally characterizes the hon. member for Kingston had disappeared, and that he had undertaken to tell us that the saving of a million of dollars did not call for our approval. He took up the half million dollars decrease in the Militia Estimates and told us that the Government did not deserve any credit for it. He told us that the expenditure had been discontinued on certain works, because they were finished. But if we are to deal with the administration of affairs in that way, it can be shown that no Government can deserve credit for anything; that they cannot deserve credit for lessening any expenditure, or for refraining from doing any work. If they diminish the expenditure it is said to be unwise, and in that way the Government are deprived of any incentive to economy. New works might have been undertaken upon the completion of the others. The hon. gentleman knows how hard it is to resist the appeals of one's supporters.

Hon. Mr. CAMPBELL—No doubt the hon. gentleman has felt it.

Hon. Mr. POWER—The hon. gentleman knows well from his own experience,

as a member of Government, how very great pressure is brought to bear upon an administration by their supporters, for expenditures in their different counties; and when we see that the present Government have expended only \$1,000,000 since 1873, on works that had not been begun by their predecessors, I think it must be admitted that they have shown a great deal of fortitude. It is to be regretted that their predecessors did not display the same fortitude in 1873. I was not so very much surprised when the hon. gentleman from Saugeen manifested his horror of a deficit; but I was a little surprised when the hon. gentleman from Kingston did so. That hon. gentleman has had sufficient experience of the politics of this country, to know that deficits are not such an entirely new thing in Canada. In order to show that the country may have a deficit, and that after it the Gov-

ernment may survive and hold up their heads, I shall call the attention of the House to an historical matter, which has already been referred to by the hon. the Secretary of State. I have here a statement, over the signature of Mr. Langton, which shows, that for the year ending the 31st December, 1858, the receipts were \$5,270,627, the expenditure \$8,645,944, and the deficit \$3,375,317.

Hon. Mr. MILLER—When was that?

Hon. Mr. POWER—That was in 1858.

Hon. Gentlemen—Hear, hear.

Hon. Mr. POWER—This calculation goes further and shows what the deficit of 1875-6 would have been, if it had been at the same rate per cent as that of 1858, and the following years. I shall give the table including all the years up to the union of the Provinces.

	Receipts.	Expenditure.	Deficit.	Percentage of Variation	Comparison with 1875-6.
Year ending 31st December, 1858	\$5,270,627.05	\$8,645,944.64	\$3,375,317.59	39.0393	\$9,560,090
“ “ “ 1859	6,597,017.58	8,091,761.85	1,494,744.27	18.4736	4,523,884
“ “ “ 1860	7,436,585.10	9,410,575.09	1,973,989.99	20.9773	5,137,000
“ “ “ 1861	7,543,926.20	9,542,934.29	1,999,008.09	20.9475	5,129,700
“ “ “ 1862	7,377,165.90	9,441,497.04	2,064,331.14	21.8644	5,354,235
“ “ “ 1863	8,602,364.48	9,472,854.67	870,490.19	9.1893	2,250,310
Six m'ths ending 30th June, 1864	4,763,208.19	4,423,281.47	.....	.....	.....
Year ending 30th June, 1865	9,573,786.61	9,953,957.00	380,170.39	3.8192	935,260
“ “ “ 1866	11,652,444.40	10,834,812.93	.....	.....	.....
“ “ “ 1867	11,399,001.50	11,381,950.91	.....	.....	.....

In 1862, shortly before the termination of the financial year, the friends of the hon. gentleman, led by the hon. gentleman who now leads the same party, went out of power, and the Reform party led by Mr. Sandfield Macdonald came in, and in the next year the deficit fell to \$870,000. Even that decreased difference between receipts and expenditure would have given a deficit of \$2,250,000 for the year 1875-6. Owing to the prudent management of the Liberal Government, there was a respectable surplus for the six months ending June, 1864, about which time Mr. Sandfield Macdonald went out of office. Next year the friends of the hon. gentleman

came back again, and there was another deficit of \$380,000, which, calculated for 1875-6, would have been \$935,260. Now, it appears that notwithstanding those overwhelming deficits, the country succeeded in recovering itself. It has been said by the Finance Minister that, if the remainder of this year does as well as the first seven months have done as compared with the same months of last year, there will be no deficit in 1877-8. My impression is, that if there is any increase of trade within the next few months, next year there will be a surplus instead of a deficit. The hon. gentleman spoke of certain investigations that were taking

Hon. Mr. Power.

place in connection with the Pacific Railway, and which he says, are inconvenient and uncomfortable for the Government. I dare say there may be some inconvenience. I suppose it is inconvenient, for instance, for the hon. the Secretary of State to have to neglect more important duties in order to attend to the Committees, but otherwise, I do not think that there is anything inconvenient or uncomfortable for the Government in them. So far as I can learn, although the land on the Kaministiquia has cost rather more than it would have under ordinary circumstances, it has not been shown that there has been anything very extravagant about the prices; and there has been no evidence at all to show that there has been any corruption on the part of the Government in connection with it. I do not think a Government, controlling a country reaching from British Columbia to Cape Breton, can be expected to be on the spot to see that every particular acre that is acquired for public purposes has been purchased at the lowest possible figure. Such was certainly not the practice of the former Government. Then there is the Fort Francis Lock Committee. I may say, with all deference to the House, that I look upon the appointment of that Committee as uncalled for; inasmuch as I understood the Secretary of State to have admitted quite clearly that the policy of building that Lock was very doubtful; and an admission of that kind is tantamount to saying that a slight mistake had been made.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. POWER—I do not see that there was any particular object in appointing a Committee for the purpose of proving what was not denied; and probably the Committee will cost more than the famous Neebing Hotel did. The hon. gentleman was fair enough to admit that the Government had done one good thing, that they had reduced the charges of managing the public debt. I was very glad to hear that; because it was an instance showing one of the differences between the gentleman who is the recognized leader of the Opposition in this House, and the hon. gentleman beside him (Mr. Macpherson) who claims to be independent. There are certain hon. gentlemen who profess to be independent;

Hon. Mr. Power.

and I do not think that I have ever heard one of those gentlemen admit that the Government had done anything for which they deserved credit. I am very glad to think that the leader of the regular Opposition thinks somewhat differently. The refund to the Great Western Railway was referred to. I do not think the justice of that refund was seriously questioned at the time it was made; and, I presume, if the Company were entitled to the money, the Government to which the hon. gentleman belonged would have refunded it in the same manner that this Government has done. The Government had been charged with giving away five thousand tons of steel rails to a private company, which had acquired the railroad from Truro to Pictou. On that particular matter there has been either some misapprehension or misrepresentation. That matter was discussed in this House last Session, and I stated, without being contradicted—and I believe I was endorsed by other hon. gentlemen from the Province from which I come—that the fact was, that when these rails were laid down on the Pictou Railway, which was then Government property, there was no prospect of its being anything else than a Government railway. Previous to 1874, a company had been formed to undertake to build the road to the Strait of Canso, on condition of receiving the Truro and Pictou branch as a bonus, besides a subsidy from the Local Government; but the arrangement fell through. In 1875, when those rails were laid on the Pictou road, there was no expectation that it would cease to be the property of the Government. The legislation of Nova Scotia, under which the eastern extension is being made, did not take place, and the company which now has the road was not in existence until 1876; and it is perfectly clear that the Government could not have given away those steel rails to a private company which did not exist at the time the rails were laid. The hon. gentleman from Saugueen criticised the financial condition of the country, and the conduct of the Ministry, without giving them credit for anything at all. He said there was a decrease of \$200,000 expenditure on public buildings, but that the Government did not deserve any credit for it, and, as a set off, there might be unknown enormous expenditures in the

North-West yet to be taken into account. That was an uncharitable statement; and there should have been some evidence of the fact before it was made. The line of argument adopted by the hon. gentleman was, where there was no reduction in the expenditure the Government were very much to be blamed, and where there was a reduction, it was unwise for the Government to make it; and, as I said before, it is impossible to please gentlemen who take that view of public affairs. Here I should like to say a word or two with reference to the comparison made by the late Minister of Justice (Mr. Blake) between the expenditure in his office in 1876-7, and that of former years. The hon. gentleman from Saugeen found great fault with the Minister of Justice for not having included his salary in the statement. Now, the Minister was dealing simply with the staff of the office, and probably did not regard himself as being a member of the staff. The salary of the Minister of Justice had been fixed in 1873 at \$7,000, and it was the same salary as was drawn by Sir John A. Macdonald, as Minister of Justice, during the last year of his Administration; so there could be no object gained by introducing the salaries of the Ministers into the discussion. But while the hon. gentleman manifested a great deal of indignation over Mr. Blake's imaginary duplicity and disingenuousness in keeping back mention of his own salary, he manifested considerable disingenuousness himself in dealing with the amount in Schedule "A" of the Supply Bill of 1874, when he said there were \$2,400,000 estimated on that schedule, of which at least \$2,000,000 should be debited to the present Government. That statement was very much calculated to mislead the country, and it was a very much more important matter than the question as to the salary of the Minister of Justice.

I have tried to show that under the late Government the amounts of the estimates and the expenditures increased at a very rapid ratio from 1867 to 1874. I have shown that the expenditure, chargeable to income, increased at the rate of \$1,404,000 a year, that, if the expenditure had continued to increase under the present Administration at the same rate, instead of there being an expenditure of less than \$24,000,000 in the past year,

*Hon. Mr. Power.*

the Government would have expended almost \$28,000,000. I think that the Ministry deserve a great deal of credit for having stopped this onward course of expenditure. I have also tried to show that, previous to the change of Government, when the field for expenditure was smaller, when the country was very prosperous, when business was flourishing, and importations were large, and notwithstanding all these favorable circumstances, the Government of that time succeeded in increasing the debt of the country at the rate of almost \$7,000,000 a year, and that, notwithstanding the unexampled prosperity of the country, and with surpluses every year, which from the time of Confederation had amounted to about \$12,000,000—when the late Government went out of office they had incurred an expenditure which was not provided for in their estimates, and that there would have been a deficit of over \$1,000,000 in the year 1873-4, but for the additional taxation imposed by the present Government. In 1873 the Government seemed perfectly reckless. In addition to involving the country in enormous obligations, they increased salaries in all directions, appointed officers whose services were afterwards found to be unnecessary, raised the salaries of Judges, increased the Members' indemnity, and all their own salaries; and so added to the expenses of the country for succeeding years, that they largely reduced the power of the succeeding Administration to economise. I think it was a very fortunate thing for the country that the change of Government took place at the time it did; because the Government that had so injured the financial standing of the country in a time of prosperity, would have placed it in a very much worse position in a time of adversity, and instead of there being the small deficit we now have, there would have been enormous deficits, proportionate to those that occurred under the Administration of former days. I also think it a matter for congratulation that the Government have decided to allow the equilibrium between income and expenditure to be restored by a reduction of expenditure such as took place last year, and by the return of national prosperity, rather than by further increasing in a time of adversity the burdens which the people of this Dominion are called upon to bear.

Hon. Mr. HOWLAN—The question before the House, as I understand it, is the enquiry by the hon. Senator from Saugeen:—

“That he will call attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and will enquire of the Government how it is proposed to restore the equilibrium between income and expenditure.”

This is a very proper enquiry, and this is the proper place to make it; and it comes at a very opportune time, when it is admitted there have been deficits, and when the question how to make income and expenditure meet, is occupying the minds of public men, especially those who are called upon to govern the country. The enquiry has been made in a proper and legitimate manner, respectable alike to the Government, to this House, to the country, and to the hon. gentleman who made it. If there had been no deficit, there would be some reason for the hon. gentleman who has just sat down, to try and show there was none; but the House will recall the remarks of the Finance Minister in his former budget speeches. In 1874, he spoke of the probability that the revenue would be equal to the expenditure, but in view of the large public works undertaken and the depression which was then about commencing, it was advisable to increase taxation. No gentleman could have better opportunities of judging the financial position of the country than the Finance Minister, and when he asked Parliament to impose this increased taxation, he said: “We may be able not only to meet the requirements of the current year and have a small margin over, but to dispense with increased taxation for a considerable period.” These were his words when asking for \$3,000,000 additional taxation. That was granted, and the expenditure of the year was met in a way creditable to the Dominion, and it was thought further taxation would be unnecessary, as the Finance Minister had led Parliament and the country to believe. But in 1875 he came down and said:—

“All immediate demands, which were considerable, have been carefully met. There are no pressing claims upon us with the exception of those for public works for a year or two. We have a reasonable surplus for the current year.”

This necessarily excited the attention of  
Hon. Mr. Howlan.

members of this House, not excepting the Government, and the hon. gentleman who makes this enquiry paid very considerable attention to the finances, and published his views in a pamphlet to the world. That provoked very considerable discussion, and he replied to it in another pamphlet. Then it came out that the Finance Minister had deceived himself or the public in his Budget Speech. In 1876, when he addressed Parliament again, he was forced to admit that his predictions had not been verified, and that his prophetic vision of an increased revenue had not been realised. Again, in 1876-7 the same thing takes place, and he states in his budget speech, referring to the close of that year:—

“I hope, with some degree of confidence, on the next occasion on which I may be called upon to address this House, I may be able to congratulate it upon seeing the deficit which now exists entirely extinguished, and our Treasury once more restored to the state in which some years ago it was happily maintained.”

There are three budget speeches in three consecutive years predicting the revenue would exceed the expenditure, and again he has to announce a deficit of nearly \$2,000,000. Surely, then, it is time attention was called to the state of the finances of the country. Surely gentlemen should look the matter in the face and acknowledge there is a deficit, and take steps to re-arrange the finances of the country in such a way as to restore the equilibrium between revenue and expenditure. I say therefore, this is a proper inquiry. The hon. Senator from Saugeen was told by an hon. gentleman who preceded me that if he had any charges against the Government he could call for a committee to investigate them. I believe there is no better committee for the purpose than the Senate.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HOWLAN—It is a very able committee; one to which the people look in time of peril, like this, to give the affairs of the country the due and impartial attention they may not receive elsewhere. This is the proper place for the enquiry to be made. What is the answer made on behalf of the Government to this pertinent question? In the first place, there is no denial there is a deficit, and in answer to the enquiry how the

equilibrium between revenue and expenditure is to be restored, the Government have no policy to announce. They tell us there was a deficit in 1858. I confess I am unable to see any connection between the deficit of 1858 and the deficit of 1878. But we are told there would have been no deficit if the Government had been at liberty to alter the public works of the Dominion. Surely the hon. Secretary of State knows the Government never dies. It may change, but it never ceases to exist, and it is well understood the gentlemen taking office are responsible for the expenditures commenced by their predecessors. We are told because the expenditure of this Government is no larger than that of the late Administration, it is, therefore a good Government. We were told that these gentlemen had been for years in opposition, and that they would exercise economy when they came into power; that they had been well educated in the policy of retrenchment, and in long years of opposition had become thoroughly acquainted with the public affairs of the Dominion. Therefore, they cannot, on the plea of innocence or ignorance, ask the people of Canada to believe they took office under a state of affairs with which they were not acquainted. They were perfectly well aware that certain public works must go on and certain services must be maintained: that the annual revenues of the country were about equal to a certain amount and knew what the average controllable expenditure was. Therefore, they had every information a Government could wish to possess on taking office. More than that, it was their boast that retrenchment and reform were the principal planks of their platform. They had economy inscribed on their banners, and the country believed in their professions and suspected there was some truth in their charges of extravagance made against their predecessors. It was believed by a majority of the people that there should be a change in the administration of public affairs, and that these gentlemen should be given an opportunity to carry out their policy of retrenchment. They have been nearly five years on trial before the country, and what is their answer when charged with having failed to economize? "The late Government spent so much, and therefore we are

*Hon. Mr. Howlan.*

"justified in doing the same?" That is their answer. So far as the Maritime Provinces are concerned, they looked upon this Administration as a Liberal Government, and to the people of that portion of the Dominion the word "Liberal" has a charm.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. HOWLAN—The hon. gentleman says "hear, hear." I repeat it, the word "Liberal" has a charm for the people of Nova Scotia, New Brunswick, and Prince Edward Island; but the Liberals of those Provinces were of a very different stamp from those who are in power here. They could find no resting place in this Parliament unless they find it in the ranks of the Liberal Conservative party. My hon. friend remembers, Joseph Howe; he was a Liberal, and he found a resting place among the Liberal Conservatives of this Dominion when Nova Scotia came into the union. This present Administration had a good send off, they had a large majority, perhaps too large; but it has been gradually growing less. They started as no Government in Canada is likely to for a long time to come. They had every opportunity a Government could desire to possess for keeping the expenditure within the revenue, and it is begging the question to go back to 1858 for a parallel case to that which exists to-day. We know there are veterans who like to fight their battles over again, and so it seems to be with these hon. gentlemen who deal with the events that occurred prior to Confederation. There is no good reason why this Government should spend more than their predecessors. There is no reason why if there were large expenditures in the past, the expenditures for the present should not be curtailed. The very best proof that they could have been reduced is the improvement that has resulted from the discussions that have taken place upon the subject introduced last session by my hon. friend from Saugeen. We find the Government for this year curtailed the expenditure, and this shows, clearly, that they had it in their power in the preceding year to make such a reduction as would have brought the expenditure within the revenue. Therefore, the hon. gentleman is entitled to the thanks of the Government and not their censure for

bringing under their notice the services in which retrenchment could be effected. But whether the Government will give him credit for it or not, the country will admit that it has been mainly through his instrumentality a saving of over one million dollars has been effected this year. An attempt has been made to show that had this country remained as it was before Confederation there would have been no deficit; but if Confederation had not taken place we would not have seen representatives from all the British Colonies in North America, with one exception, assembled in this Parliament, and we would not have had the grand country we now possess. Since Confederation our coasts have been so well lighted, that vessels coming to Canada are insured on as favorable terms as any other country in the world; and as a consequence, there is reduced cost of freight and insurance, and the industries of the country have received an impetus from these improvements, which they otherwise would not. Necessarily we must give credit to the Government that did all this. Then there is the Intercolonial Railway, that has done more to cement the union than possibly could have been done by any other course that could have been suggested. Surely my hon. friend from Halifax will not find fault with the late Government for having increased the public debt, to build that railroad; nor will he say that the large expenditures on the canals, and other public works of the Dominion have been unnecessary; because for this debt we have ample returns. Notwithstanding the great outlay which occurred while the late Government was in power, the revenue kept pace with it and warranted the expenditure. Instead of deficits they had surpluses. Almost every dollar of the indebtedness they incurred was for building railways, lighthouses, and other public works, necessary to the proper working out of this grand scheme of Confederation. To say that the debt of Canada is greater now than it was in 1867,

is begging the question. In 1873 Prince Edward Island entered the Union, and it was necessary at that time, to appoint officers for that Province. My hon. friend from Halifax has not carefully considered the question, when he made the statement that even in the death throes of the late Government, they had increased the expenditures of the country by making unnecessary appointments. Not an officer was dismissed by the present Administration, but was replaced. We are told, and we have been led to believe by statements made by a certain hon. gentleman here, that there is no deficit—that it is folly to talk about it; and the fact is, the House has been mystified by an array of figures to show there was no deficit at all. Now there is, or there is not a deficit. If the Public Accounts of the country are correct, there must be a deficit, and I think we shall see how this deficit has taken place. I find if you take the total salaries paid under both Governments, there were in 1875, \$518,000; in 1876, \$508,000; while in 1873 there were only \$422,000. Take the Administration of Justice in 1873, it was \$399,000; in 1875, \$459,000; in 1876, \$544,000. I am not saying but all this expenditure was necessary but there must be something extraordinary, that, in the Administration of Justice there should be such a large and steady increase. The hon. Secretary of State says the Supreme Court is the cause, but the expenditure under that head is not sufficient to explain the increase. Then we have the cost of collection of customs, which increased steadily from 1873 onward; and the same may be said with regard to the Immigration Department. So it is in several departments, there has been a continual increase since 1873. Or to state more definitely the increases in expenditures charged to Consolidated Revenue Fund for 1875 and 1876 over 1873, and for 1876 over 1875 under the following heads being items largely within the control of the Government (Public Debt charges not included) I may be allowed to read the following table:—

Departments.	Increase 1875 over 1873	Increase 1876 over 1875	Increase 1876 over 1873
Civil Government.....	\$148,391		\$91,121
Administration of Justice.....	98,439	\$46,686	145,025
Police and Penitentiaries.....	71,682		4,968
Legislation.....		54,957	12,743
Geological Survey.....	29,199	3,226	32,425
Arts and Agriculture, &c.....		47,416	9,488
Immigration and Quarantine.....	15,402	83,075	98,477
Marine Hospitals.....	10,871	1,950	12,821
Pension and Superannuation.....	38,721	70,874	100,598
Ocean and River Service.....		93,057	90,339
Fisheries and Light houses.....	9,881	97,191	75,778
Inspection Insurance Companies, &c.....		8,914	8,032
Subsidies to Provinces.....	829,362		768,956
Public Works.....	159,462	191,866	351,328
Miscellaneous.....	18,229	91,537	109,866
Indian Grants and Manitoba Surveys.....	131,513	108,639	212,549
Mounted Police.....	333,583	35,935	369,518
Boundary Surveys.....	121,741	12,364	134,105
Custom and Excise.....	142,457	57,441	199,898
Weights and Measures.....	69,969	29,816	99,785
Public Works including Railways.....	633,388		548,312
Post Office.....	452,995	101,966	554,961
Minor Revenues.....		3,111	2,778
Increase of 1875 over 1873.....			\$2,960,336
Increase " 1876 " 1875.....			717,062
Increase " 1876 " 1873.....			3,677,398

It seems to me an extraordinary fact that such a large sum has been wasted to bring immigrants to this country. I find in 1861 the population of Canada, was 3,432,000, and the annual average increase during the ten years preceeding 1861 (during which time occurred a year of great depression) was as follows :

Ontario.....	4.37
Quebec.....	2.50
Nova Scotia.....	1.82
New-Brunswick.....	2.60
P. E. Island.....	2.07

Now according to these figures the population of Canada in 1871 if it had the same ratio of increase, ought have been 4,700,000, while the last census showed, it was a little under 4,000,000 or an increase of one per cent annually. Now this is an extraordinary fact. The most stagnant nation under the sun has a better record to show than that. It is rather strange that having the millions of acres of land we possess, and a large immigration into the country, the increase of our population has been so slow. Look again at the decrease that took place during that period; you will find about 80,000 native Cana-

dians left this country. It is a favorite expression in the United States with regard to the State of New Hampshire that it is a fine State to emigrate from, and if we are to judge anything from these figures, this must be an equally fine country to emigrate from. It has been estimated that the cost to the British nation of training a soldier is two hundred pounds sterling. A Canadian twenty-five years old ought to represent as much as a soldier of the line does, and the hon. gentleman can calculate from this what a loss we have sustained by the emigration of 80,000 of our people to the United States. It is therefore for the people of Canada, and especially of the Government and this Parliament, to ascertain what are the reasons for this loss of population. It is impossible for any country to stand still, and particularly a new country like this. It is said one cause of our lack of progress for the last three years, has been the depression. I am not going to deny that it has had a great deal to do with it. But one interest in Canada has not been depressed; I refer to agriculture. It is a well-known fact that the

farming population of this country have not felt the depression that has prevailed in our cities. One would naturally conclude that this great depression in trade would necessarily lead to a reduction of the cost, of collecting the taxes of this country, but which has not been the case, for the cost has gone on steadily during the last three years. Judging from the cost of collecting the revenue, there has been no depression. What is the outlook at the present time? The clouds are breaking way; the sun is beginning to shine—to use a common expression, matters have touched bottom, and a more prosperous era is beginning to dawn; that is the time when the Government should exercise wisdom in assisting the country to regain prosperity. On that point we have, at all events, got the opinions of gentlemen, who are leaders of the two great parties in Parliament. Any thoughtful man must come to the conclusion when a depression has taken place in the trade and manufactures of a country that some remedy must be found to restore, at all events, the equilibrium between the expenditure and revenue. But what is the policy of the Government. They say the country is like a sick man; all you have to do is to let him alone and he will get well in time. I say that it is an extraordinary policy, and I contend that some step must be taken to save the country from the effects of such treatment. We find one body of gentlemen those who hold office, are free traders, while those opposed to them are protectionists. I am one of those who believe you cannot have either free trade or protection in a young country like this. I believe free trade and protection, as understood in Great Britain, cannot be applied to a young country like Canada. It is out of the question to suppose that a policy produced in one country must necessarily be good for another. I don't think I shall be going far out of my way to give my hon. friend from Halifax an authority for which he must have great respect. I quote from the speech of the hon. the Premier, delivered at Sarnia last year. He said:—

“When people accuse me of being a free trader, they accuse me of something that does not properly belong to the discussion of this question. We do not discuss free trade or protection at all, because free trade is impossible in this country. We have to discuss a

Hon. Mr. Howlan.

“Customs system which puts free trade out of the question altogether, and, in the abstract, Sir John Macdonald is as much a free trader as I am. It is true the great party I lead contains a larger number of free traders than our opponents, though of course every rule has its exception. There are two principles of action in relation to trade which are to be considered. The one, absolute free trade; the other, absolute protection. I have always assumed that, in this country, neither of these principles is applicable to our circumstances, and, as I stated in 1874, the question is removed from the sphere of political discussion, because not even the most extreme protectionist has adopted the idea that we are to lose all our revenue for the purpose of preventing anyone coming here to sell his wares.”

That is about my opinion with regard to free trade and protection in this country. It has been used as a bugbear to frighten people. I will now quote an authority who is considered a very big one on questions of political economy. I read from Lang's Political Economy:—

“Political economy is not a universal science of which the principles are applicable to all men under all circumstances and equally good and true for all nations, but every country has a political economy of its own, suitable to its own physical circumstances of position on the globe, climate, soil and products, and to the habits, character and idiosyncrasy of its inhabitants, formed or modified by such political circumstances.”

So I say with regard to this Dominion, it is necessary that the flagging industries of this country should be protected in times of depression like this by the Government, which all look upon as paternal. One interest, at all events—the mining interest—is prostrate. The \$12,000,000 invested in the mines of Nova Scotia are almost completely idle. We saw a few years ago the mining industries of the United States were in a prostrate condition, but they were protected and they revived. What do we find in Canada? The very coal used on the Intercolonial to heat the cars is brought from the United States.

Hon. Mr. POWER—That is because we have no anthracite.

Hon. Mr. HOWLAN—For years we used none in the Maritime Provinces. In the time of Joseph Howe we used our own coal. The United States, so far as manufactures are concerned, is a new country, and you find them protected there. Go back to England, and you will find it was one of the strongest protection-

ist countries in the world for a long period of years. After a time she became a free trade country. Why? Because she had brought her manufactures to such perfection they could compete with all the world, and besides, she had very large commerce. The neighboring country was free trade in the early history of the colonies, but from the time it became independent, it has protected its manufactures. I was surprised to find recently that silk is now very largely manufactured in the United States. Last year 108 firms were engaged in the industry, the capital invested in it was \$14,000,000, and the value of the silks produced was very great. We have in this country, if I may be allowed to use the expression, a good milking cow, if we only milk her. Here, in the neighborhood of Ottawa, there are inexhaustible mines of the very best iron ore, yet our iron is manufactured in the United States and other countries, instead of in the Dominion. Without being either a protectionist or a freetrader, I think the industries of this country could be aided by adjusting the tariff to foster them. After all, that is what is required of the Government. What we want is, not free-trade or protection, but a policy that will bring about the best results in developing our industries without interfering with the revenue. Our coal interest possesses more importance than the mere intrinsic value of the coal produced. In the Legislature of Massachusetts there is a picture of a codfish over the Speaker's chair, to show what was the foundation of the early prosperity of that colony. Amsterdam is built on herring bones. So it is with our coal interest—it is a school of industry. Like the fisheries of the Gulf, it is a training school for men. It is the strongest arm which assists the body politic in working out the destinies of the country through its own resources. In 1876 there were 275,748 tons of coal mined in Nova Scotia, and distributed as follows:—

Ontario and Quebec . . . . .	84,778
New Brunswick . . . . .	6,800
Prince Edward Island . . . . .	40,000
Nova Scotia . . . . .	119,000
Newfoundland . . . . .	1,868
United States . . . . .	18,987

Now, it will be seen that the little Province of Prince Edward Island consumed

more of the product of the mines of the Maritime Provinces than did the United States. Those who have been acquainted with that trade will remember the time when 200 sail of vessels were continually engaged in carrying coal between the colonies and the United States. That is entirely done away with now, and while the Government think nothing of spending \$280,000 on the Fort Francis Lock, which they acknowledge to be a blunder, they refuse to foster this important industry. If the money they have thrown away on that work had been used to promote the coal trade of Nova Scotia, the country would have received some substantial return for it. I know it will be said "you cannot put a duty of 50 cents per ton on coal, because the people of Ontario will demand a similar duty on flour." Let us see how the account stands: In 1855-6 Nova Scotia imported from the old Province of Canada, \$504,000 worth; in 1876 Nova Scotia consumed \$1,305,000 worth of the products of Ontario and Quebec. In return, Ontario and Quebec consumed only 84,000 tons of Nova Scotia coal. I would like to call attention to a statement of the trade between this country and Great Britain, to show where the channels of trade are. In 1872-3 the imports from Great Britain were \$62,000,000; in 1876-7 they had fallen to \$40,000,000, showing a decrease of \$22,000,000. Now, let us look at the trade between this country and the United States. In 1872-3 we imported from the United States \$35,000,000; in 1876-7, \$51,000,000, showing an increase of \$16,000,000. And while our imports from that country have been increasing, our exports to them have been diminishing, showing clearly there is something materially wrong so far as the mercantile and internal national interests of this country are concerned. If we are going to build up a nation here, we must take a national way of doing it. It is no use finding fault with the arrangements made with British Columbia. We must carry them into effect, and do more than send a handful of troops to the North-West to keep the Indians in check, and generally pursue a progressive policy. If other Provinces are treated as British Columbia has been, how long will the Confederation last? I say it is necessary in the interests of this country that the Pacific Railway

should be built. We owe it to ourselves to construct it. We condemn the United States for delaying the payment of the fisheries award, though I believe, and I have always contended, when the smoke passes away they will pay over the money, and I take this opportunity to compliment the Government on its conduct of that case. It would be disgraceful if they did not, but equally disgraceful would it be to Canada if we did not carry out the contract with British Columbia to build the Pacific Railway. It is thought that the Province of Newfoundland will bye-and-bye come into Confederation, but I can tell hon. gentlemen, from a conversation I had with a leading man in that colony, I know that they are watching to see whether Canada will keep faith with British Columbia, and the disposition that has been shown to repudiate that agreement, has weakened the hands of the Union party in Newfoundland. So I say with regard to the millions of acres of fertile land lying to the west of us; we should fill them with settlers, and to do so we must establish manufactories and develop the resources of our country. I am strongly convinced no plan has yet been suggested for the building of the Pacific Railway better than that of Sir John A. Macdonald and his associates, unless the Imperial Government do, as in the case of the Intercolonial Railway, guarantee our bonds. A young nation is like a young man. It must be assisted until it reaches maturity. I say it is our interest to see the Pacific Railway built and the North-West opened up. By that means we can convert our deficits into surpluses and look forward to prosperity. That is better than waiting till the incidents and accidents of trade change the revenue so as to cover the expenditure. I was amused by the extraordinary statement of my hon. friend from Halifax about the purchase of steel rails—that they were purchased for the purpose of supplying the public railways of the Dominion. There are some things hard to believe, but which one would rather believe than dispute. Of all the extraordinary things ever heard in Parliament, it is that the Government should be congratulated on their foresight and forethought for buying rails and laying them on the railways two or three years

before their time. How any man can so far impose upon himself as to suppose that any man of intelligence would credit such a statement is incomprehensible to me. In making such a statement and going back to 1858 to look for a parallel for the present condition of affairs, the hon. gentleman seemed to forget that the country is older and should be wiser now than twenty years ago. I remember when D'Arcy McGee was taunted with having been a rebel at the age of 25, he replied "I was a rebel at 25, but I am a loyal man at 40, and the man who is not is simply a fool." Every man and every nation should gain wisdom by experience. With regard to the item of Weight and Measures, it will be remembered in the struggle which took place in Halifax a few months ago, when the Minister of Militia was elected, he himself on the platform, admitted the Weights and Measures Act was a blunder and not only did he condemn it there, but if hon. gentlemen will take up the *Hansard* of last year they will find a remarkably clear exposition of the whole matter by him. If that is not sufficient, let the hon. Secretary of State take up the Montreal and Toronto papers, and they will find that the wine measures of one city are being sent to the other, and why? Because the Act is so elastic that what may be good for one portion of the Dominion is not suitable for another. I say this law is one of the most intolerable humbugs ever placed on the statute books of any country. I said so last year and I say so now, and I believe it is the opinion of seven-eighths of the merchants of this country. The Government defend themselves by saying they did not pass the Act. Are we always to be told that whenever they do anything deserving of censure, that their predecessors did something similar, and, therefore, they are not to be held responsible? If that is the case, they had better stay at home and let somebody hunt up the antecedents of those who preceded them. I am one of those who believe that every Government necessarily makes mistakes, and I believe further, that the Government that has the best opposition is always the best for the country. I would say in conclusion, that the thanks of the House and of the country are due to the hon. gentleman who has so ably opened up this question of the finances of the country, who has so intelli-

Hon. Mr. Howland.

gently put it before the country, and who has not been afraid, from his place, in Parliament, to express his views and sustain them by facts and figures which have not been controverted.

Hon. Mr. HAYTHORNE—In my opinion the high praises that were bestowed by the hon. leader of the Opposition upon the mover of this motion, ought to be largely shared by my hon. friend on my right (Mr. Howlan), who has just sat down; because although I cannot concur in all the views he has expressed, I must say candidly that his speech, in my opinion, was not only interesting, but characterized by much originality. The terms of the motion of the hon. gentleman from Saugeen I, for one, can see no great reason to find fault with. I think the motion is discreetly and cautiously worded, and the hon. gentleman took a very proper step, thinking as he does, in bringing this question before the House. He has stated that it is his intention to call the attention of this House to the public expenditure of the Dominion, especially that portion of it (amounting to some seven or eight millions) which is largely within the control of the Administration, and also that he should ask the Secretary of State how it was intended to restore the equilibrium between income and expenditure. That, I think, was a very prudent and practical programme to bring before this House, and if that programme had been adhered to, there would have been no cause to complain. But it has not been adhered to by hon. gentlemen opposite, who, although they say they have such an admirable cause, nevertheless, rambled through the whole affairs of the country. The hon. gentleman himself set the example by wandering into matters that had not occurred in this House or the other branch of Parliament, but referred to a speech delivered at some picnic meeting in the country by a late Minister of the Crown. I strongly object to the discussion of affairs of that sort on the floor of this House, as I think it is attended with the greatest inconvenience. I, for one, am not familiar with what occurred on that occasion to which the hon. gentleman referred, and I believe there are other hon. gentlemen in this House who are as unfamiliar with it as I am. Consequently, hon. gentleman who are not acquainted with the subject matter of a speech so re-

*Hon. Mr. Howlan.*

ferred to, cannot say whether the arguments used in referring to it apply or not. I quite agree with the hon. gentleman from Lambton (Mr. Brown,) when he said here a few evenings ago, that such a course,—the introduction into the debates of this House of matters that occurred outside and to expect Ministers of the Crown to answer or refute them, without any notice and on the spur of the moment—is attended with much inconvenience. As the debate proceeded in reply to the remarks of the hon. mover of this motion, we had some of the strangest interruptions from hon. gentlemen opposite that I have ever heard in this House. I have heard questions put by hon. gentlemen while the hon. Secretary of State was speaking, which, no doubt, might be put with the greatest propriety. But we have also heard the most irrelevant interruptions during the discussion. For instance, while the hon. Secretary of State was speaking of the expenses connected with the Indian troubles in the North-West Territories, we heard the hon. gentleman from Arichat interjecting a question with regard to a news paragraph that had appeared in the newspapers of that day, to the effect, that trouble was anticipated towards Spring in the far west, and that Sitting Bull was forming an alliance with other Indian tribes there. That was a proper subject, no doubt, to have made an enquiry on if the hon. gentleman had only given due notice, and in that way he would have done the public a service. It is no doubt a matter of some importance that some means of defence should be provided in the West, and that the public should know what those means of defence are; but the interjection of a question of that kind when the hon. Secretary of State was making a reply to the speech of the hon. gentleman from Saugeen, leads me to the belief that a cause which needs such tactics as that cannot be quite as good as the hon. gentleman pretends it is. Then again, while the Secretary of State was explaining something with regard to the low rate at which beef was being supplied somewhere in the North-West, for the use, I believe, of the Mounted Police, the hon. gentleman from Saugeen chose that moment to interject a remark about a contract for beef in another place, a thousand miles, or more, away. Then there was another interrup-

tion from another gentleman, whose conduct in this House, I must say, has certainly been irreproachable, but while the hon. Secretary of State was speaking as to the cost of telegraphing, that hon. gentleman (Mr. Girard), chose to ask the Government if they would not make an effort to reduce the rates of telegraphing in Manitoba. It was no doubt an appropriate thing to do at the proper time, but not when the hon. Secretary of State was replying to the speech of the hon. gentleman from Saugeen. Notwithstanding all those interruptions and hindrances which beset the course of the hon. the Secretary of State, I could not but admire the coolness and self-possession with which he bore it all, and answered the ill-timed questions that were put to him. It convinced me of the excellence of the cause which the hon. gentleman was defending, and showed what a perfect mastery he had of the subject which he was discussing. His equanimity was not disturbed for a moment, and when he sat down, I considered he had made a good and sufficient answer to all the charges put forward by the hon. member from Saugeen. I have listened to the greatest discrepancies of statement between hon. gentlemen during this debate. An hon. gentleman got up on the Opposition side, and made statements with regard to immigration, which have been met with direct denials from this side of the House. It follows that hon. gentlemen who have dispassionate minds—and I claim to be one of those who have dispassionate minds, have great difficulty in forming an opinion on these subjects. It makes one feel that those questions are to be decided almost on other grounds than figures, and it became a question of confidence or non-confidence in the Government. Several gentlemen who have spoken on this side of the House, have given a very good and sufficient reply to the various charges which have been brought against the Government. We have had considerable discussion with regard to deficits, and it strikes me as one of the most remarkable features of this debate, that very little reference has been made, until my hon. friend on my right (Mr. Howlan) spoke just now, to the speeches of the Minister, who is specially charged with the finances of the country. The attention of the House may, I think, very properly be called to a

*Hon. Mr. Haythorne.*

few short passages from the Finance Minister's Budget Speech of the present year, which, perhaps, I may be allowed to read.

“It may not unnaturally be asked by some members of the House, whether it would not be advisable, in view of the fact that we have now had for two years considerable deficits, to adopt such precautions as would render the existence of another deficit practically impossible. Well, Sir, I would say, at once, that if we possessed, in Canada, any tax equivalent to the income tax now in use in England, I would not hesitate to advise the House to have recourse to that means of increasing the revenue—that being a tax which can be raised or lowered with a minimum of disturbance to the commercial interests of the country. But as the matter stands, I feel it is important to call the attention of the House and the country to the fact, that although we have, unfortunately, had two successive deficits in the last two years, still, it is equally true that a very large proportion of these deficits has been composed of the sums annually devoted to the Sinking Fund, which, I think, the House will agree, makes an important difference in considering the situation. In these two years our total deficits have amounted to \$3,361,000, but of that sum, no less than \$1,650,000 has been invested in the reduction of our debt, and the consequence is, that the net increase of our indebtedness in those two years is not \$3,361,000, but barely \$1,700,000 all told. Apart from this, I think that the combination of adverse circumstances which sunk our revenue to the extremely low figure of \$22,000,000 is one not likely to recur, and, further, that there are reasons for expecting a moderate and steady increase.”

That, I think, rather puts a different feature on the cause of the deficits from what has been represented by some hon. gentlemen. The hon. gentleman from Kingston for instance, by some clever manipulation of figures, managed to swell up the deficits to four millions of dollars, and told us if such a deficit was to occur in Great Britain, it would stir up the people from east, west, north and south, to demand increased taxation. But I cannot see that anything like a deficit of four millions exists in this country. Great Britain has had her deficits too, but her financial position has been generally so good for years that I believe we have to go back nearly to the times of the administration of Lord John Russell, to find a deficit. I remember that he, (Earl Russell), stated in a recent work of his that he acknowledged he had left a deficit, and confessed he had made an error in not providing for the anticipated deficit. I think, on that occasion,

he introduced the penny postage system, and regretted having done so. But he had then no income tax to fall back upon. Then I go back to a period still more remote, when another Chancellor of the Exchequer, Sir Charles Wood, had to deal with a deficit, and he did so by imposing five per cent. additional upon the assessed taxes. We had in England at that time, assessed taxes; a tax which Canadians are in happy ignorance of, a fact which I congratulate them on, and I sincerely hope they will never experience it, as I have experienced it in my early days. Assessed taxes comprise almost everything imaginable in and about a man's house—even the windows, and I have seen some beautiful houses of the Elizabethian and Tudor styles of architecture completely marred by the fact of a number of the windows being walled up in order to avoid paying taxes on them. Having neither income tax nor assessed taxes in this country ready to our hands, it becomes the duty of the Finance Minister to consider whether it is worth while, in face of the fact that he has been enabled to set aside a sum of \$1,650,000 in two years towards reducing the public debt; in view of the indications of improvement in trade, and the belief that the income of the country during the current year will be greater than in the past,—to burthen a country notoriously suffering from depression with a further charge on the Customs, or any other form of taxation, in order to secure a sum which may not ultimately be required. I think, in taking the step he has done, the Finance Minister has exercised a wise discretion, and he has shown a confidence in the stability of our institutions and the future of our country, while no sort of blame can be attached to him for the course he has taken with regard to the deficits. There is one other most reliable criterion which, I think, can be applied with reference to deficits; that is the position of our Canadian securities in the British markets. If we found that our securities were declining; that they were in very small demand, and at large discounts, then we might come to the conclusion, that the financial world of Great Britain and Europe were dissatisfied with the financial condition of Canada. But is that the case? Is it the case that the values of our securities are declining in the Eng-

*Hon. Mr. Baythorne.*

lish and European markets? I find in one of the morning newspapers published in Montreal yesterday that the prices current for the securities of Canada and some of her Provinces is most reassuring, and I will take the liberty to read the statement to the House:—

Name.	Closing Prices.
British Columbia, Sep. . . . .	6 p.c. 109½ 110½
Canada, 1878-80 . . . . .	6 p.c. 101 105
Do 1881-4 . . . . .	6 p.c. 105 109
Do 1885 . . . . .	5 p.c. 104 105
Do Inscribed Stock . . . . .	5 p.c. 104 105
Do Domin. of 1903 . . . . .	5 p.c. 106 108
Do 1904-5-6 . . . . .	4 p.c. 93½ 94½
Do 1904-6 Ins. Stock . . . . .	4 p.c. 93½ 94½
New Brunswick . . . . .	6 p.c. 110 112
Nova Scotia, 1886 . . . . .	6 p.c. 109 111
Prince Edward Island, 10-30. . . . .	6 p.c. 107 109
Quebec (Province of) . . . . .	6 p.c. 100 101
Do . . . . .	5 p.c. 100 101

Now, hon. gentlemen, if I perceived any signs of decadence in the value of those securities, I should be apt to regard the conduct of our Canadian financiers with some suspicion, but seeing, with all the information which is possessed by the London stock-brokers, that they do not show any anxiety with regard to the future of this Dominion, I think I may safely continue to place my confidence in the capacity and policy of the present Finance Minister in this matter, rather than on the untried gentleman who favors us with the results of his labors on the other side of the House.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. HAYTHORNE—I remember that something was said with regard to men having large stakes in the country. I do not see, myself, that there is much virtue in that argument, because, as far as I can see, the man with a small stake in the country—if all he has is there—has a stake just as important to him, as the man of large property. I say if I stake all I possess in this country—all my means of livelihood—my interests are just as important to me, as the hundreds of thousands of the wealthy man are to him. I must certainly give the Government credit for the economical manner in which they have managed our public works. I know it is my own ex-

perience, that in the Province from which I come, there is great necessity for more public works, and many of the interests of that Island are languishing for want of greater expenditure in that direction. I differ from my hon. friend beside me on some points in his speech, although I did admire the manner in which he, yesterday, advocated the necessity for further improvements in the harbor of his own town, and I quite concur in the necessity for them, yet I would only support an application of the hon. gentleman for them, with this proviso, that they should be made as soon as the finances of the country would permit. I am aware that the fisheries on our shores require large expenditures, but it would not be wise under the present state of our affairs, to plunge into works requiring a heavy outlay of money. The hon. gentleman from Kingston spoke at some length of works having been completed, and the expenditures as a matter of course having ceased upon them. I do not think the hon. gentleman was quite candid in that respect. In a general way, I must admit, I have often admired his candor and the way in which he conducts the Opposition in this House; but on this question I think he has been a little less candid than usual. He spoke of the Suspense Account with regard to Intercolonial Railway renewals. There was another course which the Government could have adopted in that matter. They could have refrained from laying those rails altogether for some years and left them where they were, but would that be consistent with the public interest? I take it that those rails were necessary to preserve the continuity of a long line of steel track, and it was not necessary that the charge for them should be disputed because it appeared in the Public Accounts as having been expended in three years instead of the rails all having been laid in one year. There was not the slightest attempt at concealment; if there had, the Government might have been fairly charged with duplicity in this matter, but the entry was plainly set forth in the Public Accounts. The hon. gentleman, in referring to the expenditures for the survey of Dominion Lands, said expenditure had ceased, because as much land had been surveyed during the previous years as would suffice for

*Hon. Mr. Haythorne.*

some years to come. If the hon. gentleman had been as candid as usual, he would have applied the same rule to those surveys as he applied to the Suspense Account. He would say they have spent more money on surveys last year than was absolutely necessary, but we will have the benefit in the future, and will not require to expend more money for the same work at present. He might have applied the same rule to the steel rails. I was very much pleased to hear the hon. gentleman on my right, refer to the many valuable improvements that have been carried out in this Dominion, many of them works of which Canadians may well be proud. Amongst other things he mentioned the lights, harbors, the Intercolonial Railway, and other public works. I am not aware that the whole of the lights of this country have been erected by the late Government. I believe a constant improvement has been going on, and that many of those lights are attributable to the officers of the present Government. Then with regard to the Intercolonial Railway, the completion of that work, and its great durability and excellence, which have been alluded to by several hon. gentlemen in this House, are not altogether attributable to the late Government. I do not think that it was any part of their plan to use steel rails on that line, and yet the rapidity of travel upon it and its security, have been increased to a great extent by that means. Then again the iron bridges formed no part of the original plan of the road. We find by reference to a work called "The Intercolonial, a History," that the Engineer-in-Chief had the greatest difficulty in inducing the Commissioners of that day to adopt iron bridges. They were wedded to the system of wooden bridges. Application after application was made by the Engineer-in-Chief, to induce those gentlemen to adopt iron instead of wood, and had not a strong feeling been manifested in Parliament against it, I believe we would have had no iron bridges on the Intercolonial Railway to-day. Yet, when any credit is claimed for the excellence of this road, the hon. gentlemen opposite claim it all for themselves, not altogether justly. I heard my hon. friend on my right speak of the coal trade. I may mention an incident which I noticed a few days ago in the English press, illus-

trating the inconvenience which sometimes arises from protecting coal. The article referred to a large business which had existed between American ports and the north of England, in corn. Vessels engaged in the trade found great difficulty in securing return freight. Gas coal had been unusually dear in the American ports, and vessels left freighted with corn, yet, in consequence of the high protective duty against English coal, the vessels had to return in ballast, and the American seaport towns had to continue to burn dear gas. My hon. friend spoke of the slow increase of population in Canada during the past decade—one per cent, I think he said. It seems to me that that is rather a surprising thing, unless some national explanation can be given for it. The explanation is easy. It must be recollected that during the last decade, the great American war took place, and a great stimulus was given to all kinds of business in the United States on the return of peace. It was quite natural, and we know it is a fact, that numbers of Canadians served in the American army, and with that spirit of enterprise for which the race is remarkable, they went over in large numbers from Canada to where the highest wages were to be obtained. No doubt large numbers of them emigrated only temporarily, and have returned to Canada again. Hon. gentlemen will recollect an incident in the career of the late hon. Joseph Howe, which was highly creditable to the hon. gentleman himself, and also creditable to the courage and energy of the Canadian race. I allude to the great meeting of the National and Dominion Boards of Trade at Detroit, where Mr. Howe took that meeting by storm by detailing the manner in which his own son had served in the American Army, and the pride with which that young man's mother had welcomed him home on his return, bearing on his breast the medals that were the certificates of his good conduct and bravery. This was the case also with the sons of many men less distinguished and less known than the late hon. Joseph Howe. My hon. friend also alluded to a subject on which I could sympathize with him most sincerely, although I could not see with the apparent clearness that he does, a way to its completion. I allude to the Pacific Railway.

*Hon. Mr. Haythorne.*

I must say that it has always been a matter of some pride to me to think of the vast extent of this Dominion, and the prospect of uniting its two extremes between the two great oceans by an iron road. But now, having arrived at that period of life when men desire to see with the eye the completion of such works rather than their inauguration, I would, therefore, be well pleased to witness the completion of some portion at least of that great enterprise. I regret that it is necessary, in consequence of the state of our finances, to defer for a time the portion known as the missing link, midway between Manitoba and Lake Superior. It is most desirable that that work should be accomplished, but it is no less the duty of the Government to consider before all other things the necessity of keeping the finances of the country in such a condition that the public credit of the Dominion will be fully maintained in the European markets, so that we can continue to go there when necessary, and borrow on as good terms as on former occasions. I must say the conviction is strong in my mind, that a vast number of the difficulties which have beset the present Government in the administration of the public affairs, have been thrown in their path by the policy of their predecessors. If you look at the history of the period during which they held the reins of power, we will find that their influence had declined towards the latter end of their term of office. In the Session of 1873, I happened to be present in the House of Commons during the first division which occurred in that Parliament, which was summoned to meet for the first time in the spring of that year. I recollect very well the majority of the Government on that occasion was seventeen only, in a new Parliament elected under the auspices of the hon. gentleman who now leads the Opposition, and his friends. I would not further allude to those auspices, as I wish to heaven I could forget them altogether, and that they could be obliterated entirely from the annals of this country. When a Government feel themselves in that position it is necessary to look out for the future, and it is, unhappily, the case, that many politicians—I hardly think it is just to style them statesmen—think more of how their successors' course can

be embarrassed than how the affairs of the country can be best administered. The course of the hon. gentlemen was staped, so that if they should be sustained they could say to the country, "We were able to produce measures of a glorious description;" and if they were defeated they could go out in a blaze of glory, as it were, and with a halo around their heads such as my hon. friend the leader of the Opposition has to-day placed about the head of his hon. friend from Saugeen. But that sort of policy has the effect of embarrassing, to a great extent, the course of their successors. We have had here all sorts of committees of enquiry; and statements have been made with regard to steel rails, the Kaminitiquia terminus and the unfinished lock at Fort Francis; all of which hon. gentlemen are content to stigmatize as gross blunders. I am not aware that I have heard any hon. gentleman in this House charge corruption against the Minister of Public Works in the matter of the steel rails, but although hon. gentlemen here do not allow themselves that freedom of speech which goes beyond charging the Government with blunders, their followers out of doors are not guided by the same nicety of feeling, and what is in this House styled blundering, is out of doors by the followers of hon. gentlemen called corruption. I have seen myself, and others have seen, that steel rails transaction stigmatized as a gross job; that the Premier's brother was implicated in it, and a considerable portion of the people will never be brought to disbelieve the statement that the Premier's brother was in some mysterious manner to make a fortune out of that transaction. Then there is the practice of referring to matters which are being enquired into by committees. I ask if it is a fair and reasonable course to pursue? One would think, hon. gentlemen would be content at least to wait for the result of a committee, and to hear the evidence without coming to a foregone conclusion. Yet, we have heard hon. gentlemen in this House deliberately referring to charges which are being inquired into before committees, as if those enquiries had been *fais accompli*. I am not disposed to occupy the time of this House at greater length. I know very well it is not a subject with which I am particularly familiar, and I will conclude

Hon. Mr. Haythorne.

the remarks I have made, by expressing the strong confidence I feel myself in the future of this Dominion, provided only, that its Government should be conducted upon something like statesmanlike principles. I deprecate most sincerely the course that has been adopted in and out of Parliament, and the extremes, something beyond party feeling—more like partizan feeling—that have been exhibited. I believe if this sort of thing is to continue and become a fixed principle in our Parliamentary proceedings, that the future of this Dominion, brilliant as I believe it may be, will be materially affected by such conduct. What we need to secure the best management of the public affairs of this country and the most speedy development of its great sources, is that our public men in and out of Parliament should display less partizanship and more statesmanship, and I would now urge on our own friends as well as hon. gentlemen opposite; the necessity in the interests of the state to drop partizanship altogether, and to govern their conduct in and out of Parliament on principles of the purest patriotism.

## THE LYON DIVORCE BILL.

### SECOND READING.

The Order of the Day being read for the second reading of the Bill intituled: "An Act for the relief of Victoria Elizabeth Lyon."

Hon. Mr. KAULBACH presented to the House the certificate of the Clerk of the Senate, that due notice of the second reading of the Bill had been given. Frank Burton, of the City of Ottawa, law clerk, was called to the Bar of the House and testified to having served upon the husband of the petitioner a duplicate of the Bill before the House, together with the Order of the House. The witness then withdrew.

Hon. Mr. KAULBACH moved:—

"That the Petitioner present at the Bar of the Senate, for the purpose of being examined as well generally as in regard to any collusion or connivance between the parties, be not now examined, but that it be an instruction to any Select Committee to whom the Bill on the subject may be referred to make such examinations."

Motion agreed to on a division.

The Bill was then read the second time on a division.

Hon. Mr. KAULBACH moved:—

“That the said Bill intituled: ‘An Act for the relief of Victoria Elizabeth Lyon,’ be referred to a Select Committee, composed of the Honorable Messieurs Skead, Cornwall, Macdonald (Victoria), McLelan, Macfarlane, Odell, Botsford, Dickson, and the mover, with power to send for persons, papers and records, and that all persons summoned to appear before the Senate in this matter, appear before the said Committee, and that the said Committee have leave to sit on Saturdays and other non sitting days.”

The motion was agreed to on a division.

## CANADA SOUTHERN RAILWAY BILL.

### SECOND READING.

Hon. Mr. DICKSON moved the second reading of Bill (6) intituled: “An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company.” He said this Bill had received more attention in the other House than almost any other measure. It had been opposed at every stage, and he thought, therefore, it was unnecessary to discuss its provisions in the Senate.

Hon. Mr. CAMPBELL said he would not oppose the second reading of the Bill, but, in assenting to the second reading, he by no means wished it to be supposed that he assented to all its provisions. There were other matters, irrespective of the provisions contained in the Bill, which might deserve particular attention: he referred to the effect which this measure might possibly have on other railway companies. He desired to keep himself free to take such a course, at future stages of the Bill, as might seem advisable or necessary.

Hon. Mr. MILLER said he did not desire to raise a discussion on the Bill at this late hour of the evening, but he also wished to guard himself against being committed to it, either in its principle or details. The measure was a very important one and presented aspects to the House and country which he thought were deserving of the greatest consideration. He was satisfied, however, to let it go to the Committee on Banking, Commerce and Railways, and if it should be found necessary to move against it, that course

Hon. Mr. Kaulbach.

could be taken when the Bill came up for the third reading.

Hon. Mr. HOPE said the Bill contained a great many objectionable features, which he hoped would be amended in committee, but if not, he would be prepared at a future stage to offer such amendments as he thought the nature of the Bill called for. He made these remarks in order that it might not be supposed he approved of the legislation proposed.

Hon. Mr. KAULBACH said he would merely state that he wished to place himself in the same position as the hon. gentleman who had preceded him.

Hon. Mr. McMASTER thought the proper course was the one suggested—to send the Bill to committee.

Hon. Mr. AIKINS was somewhat surprised to hear so many hon. members giving warning that they reserved the right to oppose the Bill at a future stage. He believed it was the rule to read such Bills as this the second time *pro forma* and send them to committee. If any portion of a Bill should be found objectionable, and that portion could not be amended in committee, then it was open to any member to oppose it at the third reading.

Hon. Mr. DICKSON said he had always been under the the same impression—that hon. gentlemen had a right to object to a Bill at any stage.

Hon. Mr. MILLER said it was always understood that the principle of a Bill was considered at the second reading, and that was why he had declared that he reserved the right of opposing this measure at a future stage. He had not examined it, but he had heard a great deal about it—that it contained very objectionable features. Having heard that, he did not think it right that he should give a silent assent to the second reading.

The Bill was read the second time.

## NATIONAL INSURANCE COMPANY'S BILL.

### SECOND READING.

Hon. Mr. TRUDEL moved, the second reading of Bill (8) intituled “An Act to authorize the National Insurance Company

to reduce its Capital Stock, and for other purposes." He explained, this Bill had been necessitated by the depressed state of the business of the company.

The Bill was read the second time.

### THE NORTHERN RAILWAY COMPANY'S BILL.

#### SECOND READING.

Hon. Mr. ALLAN moved, the second reading of Bill (27) intituled "An Act respecting the Northern Railway Company of Canada." He explained that the Bill was of a very simple character, merely to confirm the agreement entered into between the North Simcoe Railway Company and the Northern Railway Company of Canada.

The Bill was read the second time.

### THE GRAND TRUNK RAILWAY COMPANY'S BILL.

#### SECOND READING.

Hon. Mr. FERRIER moved the second reading of Bill (26) intituled "An Act respecting the Grand Trunk Railway Company." He explained that the object of the Bill was, to provide for keeping a duplicate seal for Canada; also to provide for a provident fund for the benefit of employes in case of accident, and also to enable the company to enter into working arrangements with other roads.

The Bill was read the second time.

### THE RAILWAY ACT EXTENSION BILL.

#### THIRD READING.

The House went into Committee on Bill (38) intituled "An Act to extend to the Province of Prince Edward Island the Railway Act, 1868, and certain Acts amending the same."

Hon. Mr. DICKSON in the chair.

The Bill was reported without amendment, read the third time and passed.

The House adjourned at 11 o'clock.

Hon. Mr. Miller.

## THE SENATE.

Thursday, March 28th.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### REFERENCE OF BILLS TO THE SUPREME COURT.

#### THE 55TH RULE CHANGED.

Hon. Mr. BOTSFORD moved: That the 55th Rule of this House be rescinded and the following substituted in lieu thereof:—

"At any time before the final passing of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for their examination, and report as to any point or matter in connection with such Bill, expressed in the Order of Reference."

He said the general opinion of the House seemed to be that this rule should be changed. It had been added when the rules of the House were revised a year ago, but it was apparent that the Senate should not limit the exercise of its privilege to referring a Bill at any stage to the Supreme Court. He believed the amendment now proposed would meet with the approval of the House.

Hon. Mr. CAMPBELL said he had not been a member of the Committee which framed the rule it was now proposed to change. He agreed in the opinion that it had worked somewhat inconveniently, and experience had shown it should be altered. He had a vague recollection there was a reason for confining the reference to the second reading, which had not been mentioned. However, in practice the rule had not been found to work conveniently, and he was ready to join his hon. friend who proposed to make the change, and see whether it would prove to be a wise one. If it should not, then the House could at any time go back to the old rule.

Hon. Mr. SCOTT said it was quite evident that experience had proved the rule should be relaxed. He was not aware that there was any other reason for limiting the reference to the second reading than the one which had been stated—that the principle of the Bill was

established at that stage. However, it had been clearly shown that objectionable features might be introduced in a Bill after the second reading, or it might be freed from objectionable features, and in either case the rule ought to be as elastic as the circumstances might warrant.

Hon. Mr. HAVILAND said he happened to be a member of the committee which had framed the rule and the reason just given—that the principle of a Bill was established at the second reading—was the one which influenced the committee. However, the reasons given for the proposed change were so strong that he would support the amendment.

The motion was agreed to.

### SOCIÉTÉ DE PRÊTS ET PLACEMENTS DE QUÉBEC BILL.

#### THIRD READING.

Hon. Mr. Hamilton (Kingston), from the Committee on Banking, Commerce, and Railways, reported the Bill intituled: "An Act to incorporate the 'Société de Construction Mutuelle,' under the name of the 'Société de Prêts et Placements de Québec,'" with two amendments.

The report was received, and the amendments were concurred in.

The Bill was then read the third time and passed.

### THE LIQUOR TRAFFIC REGULATION BILL.

#### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill "J" intituled, "An Act respecting the traffic in intoxicating liquor." He said:—In bringing this matter before the notice of hon. Senators a few days ago, I went very fully into the details of the Bill, and therefore, I assume the House would not desire I should repeat what I then gave utterance to, and more particularly as my observations seemed to be generally understood, as I notice by articles in the press throughout the country, and as I have had evidence in the shape of voluminous correspondence from parties criticising the measure. Although the issue of the Bill was, in the first place, so limited, it has been copied

*Hon. Mr. Scott.*

in extenso in several newspapers, and from the communications I have already received, I am led to believe the provisions are fully understood in the country, with some few exceptions; and therefore it is unnecessary that I should discuss the details to which I adverted when introducing the measure for the first time in this Chamber. I shall, however, give the House the reasons for this legislation. It will be within the recollection of hon. gentlemen, that in the sessions of 1874 and 1875, more particularly the latter, petitions from all parts of the Dominion were addressed to both Houses of Parliament, asking for a prohibitory liquor law. Those petitions were referred to a Committee of this Chamber, whose report I will read to the House. The report of the Committee of 1874 was as follows:—

"The Select Committee, to whom were referred the several petitions presented to the Senate, praying for the enactment of a law to prohibit the traffic in intoxicating liquors in the Dominion,—beg leave to submit the following as their report thereon.

The Petitions which have been referred to your Committee number 993, and have attached to them 349,294 signatures, being ten times the number of those of last year; 147 of the petitions are from Municipal Councils, and 9 from other representative bodies, each acting for a considerable number of persons; it is therefore obvious that the aggregate number of signatures mentioned would have to be largely increased, probably to 500,000, in order to convey an approximate idea of the vast number of individuals who plead for a prohibitory law. Among the representative petitions there is one from the Legislative Assembly of New Brunswick, signed by 33 members, and one from the General Assembly of the Canada Presbyterian Church, which claims a constituency of 226,000 church members, and it must not be forgotten that the Legislative Assembly of Ontario joined last year in the prayer of these petitions.

That the desire for legislative prohibition is not merely of a local or even Provincial character, is shown by the petitions coming from all the Provinces of the Dominion: there are from Ontario, 633 petitions, with 302,090 signatures; from Quebec, 103 petitions, with 14,038 signatures; from New Brunswick, 92 petitions, with 16,335 signatures; from Nova Scotia, 119 petitions, with 13,622 signatures; from Prince Edward Island, 43 petitions, with 3,174 signatures; from British Columbia, 2 petitions, (municipal) with 34 signatures; and from Manitoba, 1 petition (Presbyterian Church), with 1 signature.

Your Committee regard the vast and annually increasing number of petitioners, and their unanimity in the statements and prayer of their several petitions, as indicating the immense and pressing importance of the subject to which

they call the attention of the Senate, and the profound and wide spread feeling of the need of such legislation as shall at once check, and eventually extirpate from our land, the vice of intemperance which has so long been, and still is, a prolific source of crime and misery, disease and death, and a blight upon the fair prospects of our young Dominion.

The whole of the petitioners join in asserting that the vice of intemperance is fearfully prevalent and increasing, and that it results mainly from the facilities afforded by law to the traffic in intoxicating liquors. Your Committee have no means of testing the accuracy of the statement, but their own personal observation, and the facts brought to view in the official Returns of Customs and Excise, shewing an enormous quantity consumed in the Dominion, lead them to place full reliance on the assertion.

These Returns shew that for the year ending 30th June, 1873, the quantity of Intoxicating Liquors imported into Canada and entered for home consumption was 2,910,304 gallons, valued at \$2,075,089, and the quantity manufactured in addition thereto, after deducting exports, was 16,308,625 gallons, valued at \$9,785,154. They also shew that 121,762,347 lbs. of valuable grain, principally Indian corn, wheat, barley, and rye, were used in this manufacture: these quantities and values are in excess of those of the preceding year.

The petitioners further assert that the traffic in intoxicating liquors is shewn, by the most careful enquiries, to be the cause of probably not less than three-fourths of the pauperism, immorality and crime found in this country; the evidence gathered by the Committee of the House of Commons and reported last year, is strongly corroborative of this assertion; but your Committee are of opinion that more full and extended official information on this very important branch of the subject than can possibly be procured by Parliamentary Committees during the time the House are in Session, should be obtained by the Government and laid before Parliament.

A third assertion is made by the petitioners, viz., that the history of legislation upon the liquor traffic shows conclusively that the evils resulting from intemperance cannot be suppressed so long as the traffic is licensed and protected by law; this statement is proved by reference to the Statutes, both Imperial and Provincial, and the unquestionable increase of intemperance while license laws have been in force; these laws have indeed signally failed in their professed object of so curtailing and regulating the traffic as to repress that vice.

The petitioners, with one accord, pray for a law to prohibit the manufacture and sale of intoxicating liquors, evidently believing that such entire prohibition, and nothing short of it, will prove effective in removing, or in materially lessening the evils of which they complain; they do not assign their reasons for this belief, but they are doubtless based upon the failure of the licensing system, and on the experience of other countries where prohibitory laws have been enacted, as shown by the testimony

Hon. Mr. Scott.

to the beneficial effects which have resulted from such legislation, which was obtained and appended to their report last year, by the Committee of the House of Commons.

As it has already been officially announced in Parliament that the prayer of these petitions cannot be granted at this present Session, your Committee refrain from submitting any opinion or recommendation as to immediate legislative action; but they consider that the time has arrived when the earnest attention of the Government and of the Legislature should be given to this important subject, with the view of discovering and applying the best remedy for the gigantic evil, that affects so seriously the peace and prosperity of the Dominion.

Your Committee, therefore, recommend that steps should be taken, without delay, to test by official investigation, the several statements of the petitions, and also to ascertain, authoritatively, how far the attempts to remove the evils of intemperance by legislative prohibition of the traffic in intoxicating liquors in other countries or states, have resulted either in success or failure, in order that Parliament at its next Session may be in possession of all the information necessary for its guidance in determining whether the legislation prayed for should be granted or withheld; and as this cannot, at this Session, be done by your Committee, they recommend that an humble address be presented to His Excellency the Governor-General, respectfully requesting him to procure the required information without unnecessary delay, and to cause the same to be printed, and, if practicable, copies thereof furnished to each member of the Senate and of the House of Commons, not later than one month before the next annual Session of Parliament."

"All of which is respectfully submitted.

ALEXANDER VIDAL, Chairman.  
 BILLA FLINT.  
 J. FERRIER.  
 J. O. BUREAU.  
 J. C. AIKENS.  
 A. R. McCLELLAN.  
 DAVID WARK.  
 DONALD MONTGOMERY.  
 D. M. DONALD.  
 M. A. GERARD.  
 JAMES R. BENSON.  
 A. W. McLELAN.  
 D. LACOSTE.  
 B. J. MACDONALD.  
 GEORGE ALEXANDER."

In the following year the subject was again brought under the notice of the Senate, and a very large number of petitions were presented praying that legislation should take place which would give the people a right to prohibit the sale of intoxicating liquors, and asking for power, considerably wider than those in the Bill now presented to the House. The report of the Committee of this House to whom those petitions were referred, was as follows:—

"First Report of the Committee to whom were referred the several petitions for a law to prohibit the traffic in intoxicating liquors, and the Report of the Commissioners sent by the Government to enquire into the working of a prohibitory law in the United States, respectfully report,—

That the number and character of the petition for prohibition of the traffic in intoxicating liquors already presented to the Senate, clearly indicate that there is no diminution of the desire for a prohibitory law expressed by the petitions to Parliament in the session of 1873 and 1874; but on the contrary, a growing conviction of its necessity, as the only effective remedy for intemperance, and the crime and misery resulting from it.

That the simple fact, that so very large a number of petitioners, estimated in the aggregate to be not less than 500,000, allege that vice and pauperism are largely caused by the liquor traffic, and that the system of regulating it by license laws has proved ineffectual to check intemperance,—and unite in praying for the enactment of a prohibitory law,—is sufficient to prove the vast importance of the subject, and to entitle the prayer to the earliest consideration of the Senate. On no other political or social question, ever submitted to Parliament in this country or in Great Britain, has there been so large a number of petitioners, in proportion to the population affording so marked an expression of public opinion in its favor.

That the report of the Government Commissioners shews clearly that the Prohibitory Law of the States of Maine and Vermont, has been well enforced, and has largely diminished crime and pauperism, and that its beneficial effects upon the community have been so fully proved by the experience of over twenty years, that there is now no attempt made to repeal it; while in the other States visited—although the law was not so generally enforced—whenever it was brought into full operation, the same result of diminution of crime invariably followed. In the cases where the prohibitory law was for a short time repealed, intemperance and crime immediately increased in so marked a degree that prohibition was soon re-enacted.

That the enforcement of a prohibitory law in Canada would be less difficult than in any of the States to which referred has been made, on account of our having the power to forbid the importation of liquors from abroad, from which power they are, by their Federal constitution, debarred.

That the constitutionality of such a law, and its necessity for the protection of life and property, and preservation of the peace, has not only been recognized by the legislation of former years, prohibiting the sale of intoxicating liquors at certain times and places, but has been fully affirmed by this Parliament at its last Session, in the enactment of the stringent Prohibitory law now in force over our vast North-west Territory, and by the Act of the present Session, "to consolidate the laws respecting the North-west Territories."

That in view of all these facts and considerations, it appears just and expedient that the

*Hon. Mr. Scott.*

prayer of the petitioners should be granted and that the time has now arrived when the attention of the Government should be given on this important question, with a view to the introduction of a Bill to prohibit the manufacture, importation and sale of intoxicating liquors, except for mechanical and medicinal purposes, throughout the Dominion, at the earliest date compatible with the public interests

That should the Government not feel satisfied that the indication of public opinion afforded by the numerous petitions presented to Parliament, is sufficient to justify the early introduction of such a law, it would be desirable to submit the question to the decision of the people, by taking a vote of the electors thereon, as soon as practicable.

All which is respectfully submitted.

ALEXANDER VIDAL,  
Chairman.

Senate Committee Room,  
March 27th, 1875.

In obedience to the expressed wish of the House as evidenced by the report of the gentlemen to whom the consideration of this subject was delegated, a commission was issued to the Rev. J. W. Manning and Mr. F. Davis to enquire into the working of the prohibitory laws of the United States. They visited those States where such laws were in force and collected a mass of information which was in the following Session brought down and distributed to Parliament and the country. In reading the information afforded by their report, one is led to the conclusion that the gentlemen who gave information and their opinions to the Commissioners in the various States where prohibitory laws were in force, believed that the effect of prohibition was to put down vice and crime. I do not propose to weary the House by quoting the statistics there given. The report is in the hands of members and no doubt they have read it for themselves. The opinion seems to be, that a large amount of crime and immorality is due to the drinking customs of society, and that the restriction of the liquor traffic is conducive to morality; this report asks for a more stringent law than the Bill before the House. It recommends the absolute prohibition of the sale or importation or manufacture of intoxicating liquors. My own opinion is, and I believe it is the opinion of a large number of the people of Canada, that the country is not in such a position as to render it possible to prohibit arbitrarily the sale, manufacture or importation of intoxicating liquors. The views of the temperance

people can be more readily met by a permissive law, applicable to the several areas of the Dominion, either smaller or larger, in which there may be a divided opinion. The right to impose restriction on the liquor traffic is one that has been recognized in this country, in the United States and in England. It has been made more frequently the subject of legislation than any other article of trade and commerce. We know the traffic has been frequently the subject of restrictive laws in the Imperial Parliament from time to time, all more or less severe, limiting the hours within which liquor may be sold; limiting the sale to particular days of the week, and preventing the sale on certain occasions, manifestly on Sundays. Therefore, it is not peculiar legislation, inasmuch as it has formed the subject of legislation in other legislatures akin to our own. In the several provinces of the Dominion they also have laws that are in a great measure restrictive. In Ontario and Quebec, it is very well known, the Temperance Act of 1864, known as the Dunkin Act, was in force at the time of Confederation, and in the Province of Ontario it has continued to be in force with a very slight change. In the Province of Quebec the greater part of the Act was repealed, but re-enacted in another shape in the Civil Code of Lower Canada. Practically, it is in force in a very considerable part of Quebec under the Civil Code. In New Brunswick there are very strong restrictions on the granting of licenses. In Nova Scotia they are still stronger; in that Province it requires the consent of two-thirds or three-fourths of the people, a majority of the Grand Jury and of the Court of Quarter Sessions in any district, before even a license can be issued. How far those laws are legal or otherwise, it is not for me to discuss. In view of the conclusions arrived at by the Judges of the Supreme Court lately, I am inclined to think some of the restrictive laws of the provinces are *ultra vires*. The tendency of the several decisions in the courts of law, of the Supreme Court especially, is to show that the control of the trade in intoxicating liquors rests with the Federal Parliament.

Hon. Mr. BOTSFORD—Will the hon. gentleman give us his experience as to the working of the Dunkin Act?

Hon. Mr. Scott,

Hon. Mr. SCOTT—Does the hon. gentleman refer to the mechanical working of the Dunkin Act?

Hon. Mr. BOTSFORD—I mean its advantages.

Hon. Mr. SCOTT—The hon. gentleman asks me to tread on very delicate ground. Of course the conclusions reached are entirely dependent on one's views, whether prohibition will keep men sober or not. My own impression is, you cannot entirely control the drinking usages of society by prohibitory laws. I think that is impossible. People must be educated to correct views on the subject before they can be kept sober.

Hon. Gentlemen—Hear, Hear.

Hon. Mr. SCOTT—But you can remove temptation from a considerable number of people who will not yield to vice unless tempted. If those premises are sound, then the law would be extremely useful where a considerable portion of the people were favorable to prohibition, for the removal of temptation would of itself save many from the vice of drinking, whose moral tone had been injured by the great facilities now existing for indulging in the vice. That is my own individual view. There are hon. gentlemen in this Chamber who are much more competent to give an opinion than I am, inasmuch as I have never lived in a county where it has been in force. It has been adopted in several counties in Ontario, and has been very generally observed in some of those municipalities. In others it has not proved so satisfactory, and has been repealed. It all depends upon the people in the locality, and whether they are educated up to an appreciation of the benefits to flow from total abstinence. Drunkenness is one of those evils that cannot be prevented by legislation, any more than you can prevent the use of opium among the Chinese. They will get it some way; but a great many can be saved from the degrading taste by being deprived of the facilities for obtaining opium. My own views on that subject are rather peculiar, and it is not necessary I should give them to the House other than what I have said, that I think with regard to intoxicating liquors, where so large a proportion of the people, not only of this country, but of others also, have come to the conclusion that the human family would be very much

better morally and physically without its use, their representations are entitled to some consideration, and under our system of the minority yielding to the majority, to have their views carried out wherever it can be made reasonably to appear we can enforce the law. I should consider it a farce to pass a prohibitory law in Canada at present, or to prohibit the importation of liquor, because it could not be enforced. The people would not be impressed with the moral sense that the law ought to be observed, and, therefore, it would be violated; but there are considerable sections of the country where a large majority of the people are impressed with the belief that society would be very much better without the use of intoxicating liquors; that if it were banished from their precincts, crime would decrease, and they and their neighbours would enjoy better health, and morally and physically would be superior if deprived of the use of that stimulant. In such sections I believe the people are entitled to have prohibition if the majority desire it, because the traffic in intoxicating liquors is not like trade in any other article. We all know that a very considerable number—I think I am safe in saying a large proportion—of our people have come to the conclusion, that the human family would be very much better without stimulants of any kind. I, myself, believe we would be very much better without many stimulants I could name—opium and tobacco are very little less injurious than intoxicating liquors—but unless that view is shared by the majority, it would be idle to attempt to enforce laws against the palate and taste, until people are educated up to a standard, to appreciate their value and importance. But the opinions with regard to intoxicating liquors are most decided, and we have the judgment of men whose opinions are entitled to very great respect, that their use is injurious to the human family. I do not hesitate to say I concur entirely in that view—that there is no condition of the human body in which alcoholic drinks have any but injurious effects. That is the conclusion I have arrived at, and I have given the subject some considerable attention and study. Medicinally, I think it is absurd to prescribe it. My views on that point, probably, are strong, and therefore I do not desire to discuss what might be considered

Hon. Mr. Scott.

a hobby of mine. Happily it is a hobby shared in by many very distinguished men. My conclusion is that the use of stimulants is bad; that under no possible condition of the human body can they be of the slightest use, otherwise than to weaken the vital tissue and lower vitality. However, this is scarcely germane to the subject; but my hon. friend rather invited an expression of my views, and they can go for what they are worth.

Hon. Mr. BOTSFORD—They are very interesting.

Hon. Mr. SCOTT—With regard to the right of the Federal Parliament to legislate on this subject, I do not know that it is necessary I should say very much. The decisions in the courts, and the publicity given to them are entirely of too recent date to warrant my enlarging on that subject, other than to express my own conviction that the general result of all the cases that have been before the courts, high and low, especially in the *Queen vs. Taylor* and the *Queen vs. Severn*, lately decided in the Supreme Court, is to prove that, although there is a licensing power under the Confederation Act, in the Provincial Legislature, yet, as a branch of trade and commerce, the Federal Parliament has absolute control over the liquor question—that is, it may prohibit its importation or manufacture. The greater includes the less. If it can do that it can restrict or prohibit it in localities, if thought wise and proper. The licensing power is entirely subservient and subordinate to the powers of the Federal Parliament to exclude either its manufacture or importation as an article of trade and commerce. Even the judges who held that the local legislatures had the right to insist upon license from manufacturers and brewers, yet, as an element of trade and commerce, the licensing power was subordinate to the larger one which was exclusively possessed by the Dominion. In the case of the *Queen vs. Taylor*, the Appeal Court of Ontario held that it was not *ultra vires* to insist upon a license from the brewer or wholesale dealer (the brewer particularly in this case) under the licensing power of the local legislatures. In giving judgment, the late Chief Justice Draper reversed the decision of the Court of Queen's Bench, that the local authorities had not the

power to impose a license upon brewers. When the case was appealed to the Supreme Court, Judge Strong sustained the view of the late Chief Justice Draper, that it was competent for the Local Legislature to exact a license from a brewer, but if the license was in excess of what was reasonable and legitimate, then it was infringing on trade and commerce, in which case it would be void. That was making a very nice distinction. That distinction would lead to the conclusion the local authorities had jurisdiction up to a certain point, and if the license were exorbitant, then it would be *ultra vires*. I will quote his remarks on that point:—

“Strong, J.—I entirely concur in the judgment just pronounced by His Lordship, the Chief Justice. I only desire to add that I am of opinion that a license which would amount to prohibition would be an undue interference with the exclusive powers of the Dominion Parliament as to trade and commerce, as has been, in effect, lately decided by the Supreme Court of New Brunswick, in the case of *Regina vs. the Justices of the Peace of the County of Kings, ex parte McManus*, 11 c. L. J. 249, 2 Ringley 525. Burton, J., and Patterson, J., concurred. *Appeal allowed.*”

Hon. Mr. MILLER—Have you the opinions of the Judges of the Supreme Court on the Bill before the House?

Hon. Mr. SCOTT—I have not consulted them. In conversation I may have spoken of it in a general way, but I have taken no regular opinion on it from anyone.

Hon. Mr. DICKEY—Was not the case you have cited that of a brewer's license, not a license to sell under the ordinary sense of the term?

Hon. Mr. SCOTT—Yes.

Hon. Mr. DICKEY—That is a very different thing.

Hon. Mr. SCOTT—In the case of the *Queen vs. Severn* the decision was the same way.

Hon. Mr. DICKEY—Was that a brewer's license?

Hon. Mr. SCOTT—Yes. I will quote from the decision of the Chief Justice, who was supported by three of the other Judges. He said:—

“I feel bound, therefore, on principle and as the result of all the cases to construe the words in question, as controlled by the other portions of the Act, and therefore not to include licenses to brewers or distillers to sell by wholesale. I

Hon. Mr. Scott.

am of opinion, for the reasons that the Act of Ontario in question was *ultra vires*. I will not, however, say that where the terms used are exhaustive of the particular class or subject named, that we are bound to apply the principle of construction just stated, and it may possibly be argued that such is here the case in respect of the words, ‘and other licenses.’ In such a case, where there are no controlling conditions, the words might be sufficient to give the right claimed for the local Legislature; but when considering the object and premises of the whole Act and the mode adopted for providing for effecting them, I can come to no other conclusion than one founded on the duty I feel incumbent upon me to read the whole Act together, and therein and thereby, and not from the technical reading of a few words in a sub-section, however otherwise important, seek for the intention and meaning of the Legislature. By this mode the Act is made to harmonize in all its parts, and the feasibility of working it out is established. By the other construction, and not, in my view, the proper one, the evident intention of the Legislature is frustrated and the legislation itself made absurd and inconsistent; and the working out of the details made most difficult, and it may be found totally impossible, and that the appeal should be allowed with costs and judgment entered for the appellant.”

The conclusion reached in those several decisions is, I think, that the power to deal with this subject rests with the Federal Parliament.

Hon. Mr. DICKEY—Who gave that judgment?

Hon. Mr. SCOTT—Chief Justice Ritchie.

Hon. Mr. DICKEY—The same Judge who was in a minority in the other case before the Supreme Court.

Hon. Mr. SCOTT—Yes, he differing, I believe, on the question of licenses. I now come down more particularly to the Bill itself, and, as I said before, I do not think it would be proper for me to go seriatim over the details, as I explained them so fully on the introduction. I propose rather to listen to the observations made on it and give explanations to hon. gentlemen who may desire them with reference to the contents of the Bill. I may say here there is some misconception in the country as to the provision respecting the area in which the measure could be adopted—that a county was not supposed to include a town where the town was a distinct municipality. The Bill was drawn to include minor municipalities, and to apply solely to cities and counties. Then, in reference to the number of the signatures required to put in force the

machinery for taking a vote of the people, that has been fixed at 25 per cent of the electors. I have received strong appeals from different parties on that point, many contending that unless the sentiment of the municipality can be more strongly evidenced than by the signatures of 25 per cent of the electors, the Act should not be submitted to the popular vote; others maintaining that the proportion is too large—that a much smaller proportion ought to be sufficient to allow of a plebiscite being taken. My own impression is 25 per cent is a fair proportion, and as it is equally vigorously opposed on both sides, I may fairly regard it as a reasonable proportion. The Bill itself provides that it shall not be in force wherever the Dunkin Act now prevails, but that it shall be competent for parties to repeal that Act, and afterwards if they please, adopt this measure in that county or city. I propose suggesting an amendment, that it might be competent for them to invite the opinion of the county on the adoption of this law, without repealing the Dunkin Act, but if the law putting in force the Act of 1878 carry, then, *ipso facto*, the Dunkin Act shall cease. Many advocates of the Temperance Act of 1864 have expressed the opinion, that when this law comes in force it should supplant that Act in those localities where it prevails. I do not think that is a fair proposition, because this measure is so entirely different from the Dunkin Act, and such an enlargement of that law, it would be *ex-post facto* legislation. It has been again pressed upon my attention that the machinery for repealing the Dunkin Act is defective. They ask that machinery may be introduced in this Act, that will enable them to test whether the people think the Dunkin Act should be repealed or not. I do not, myself, see that the proposition is an unreasonable one, although I have not prepared any suggestion with a view to introducing that in the Bill. There are many minor details in the Bill that I propose to submit to the House when we go into committee, that it might not be proper to discuss now. I can explain them at a future stage of the Bill. One clause, to which I did not draw attention at the first reading, was that which provides for the confiscation and destruction of liquor, which forms the subject of a breach of the law. The sugges-

Hon. Mr. Scott.

tion has been made that where counties are united for municipal purposes the vote should be taken in the united counties. My own opinion is it would be better to have the vote taken in the individual counties. Northumberland and Durham were the counties to which my attention was specially directed. I believe they have the Dunkin Act in force there, not including the towns of Cobourg and Port Hope. It could in such a case be asked for in both counties simultaneously, and the vote taken on the one day. This law being of a peculiar character, it ought not to be enforced in localities where the people are not prepared to accept it. I shall now move the second reading, and, at a future stage I will make some further observations relating to the details of the Bill.

Hon. Mr. CORNWALL—I rise for the purpose of opposing the second reading of the Bill which is now before the House, and which was so elaborately explained when introduced by the hon. the Secretary of State. I must commence by expressing my surprise that the Government has taken up this measure at length and brought down a Bill which seems unreasonable and impracticable to an extreme degree. From what I had been able to observe of the policy of the Government during the past five years as to this question, I had certainly come to the conclusion that they were altogether opposed to any legislation upon the subject. And yet, here we find, at the last moment in which they are likely to have an opportunity of introducing any Bill on this subject in this or any other Parliament, they come before us with a Bill of such a character as this is. There must be some reason for this extraordinary change of policy on their part, and I do not think we need go very far to find what that reason most probably is. It must be that they remember that a general election is drawing near. They must remember that individual drops of water eventually fill the bucket; and they feel that they must, by any and every means in their power, strive to obtain that ultimate majority of votes which may replace them in this House in the same position they occupy at they present time. I intend to oppose this Bill on the two special grounds: that it is neither a wise nor a practical measure. I do not consider

it a wise Bill, because it tends to prevent us, who have been surrounded by Providence with certain articles for our use and advantage, of the use of those things. In ancient times, a country, which was considered as one in which it was desirable to live, was spoken of as a land abounding in corn and wine and oil, but this Bill, ignoring the experience of ages, proposes to deprive us of two of these gifts of God. If it is urged that such gifts are of a hurtful and injurious nature, exactly the same may be said of all chemicals, medicines, gunpowder, and other articles which enter into the daily use of man, and are of infinite value to him, but which, nevertheless, are restricted in being sold and in being used by certain laws, in the same way that the sale and use of intoxicating liquors are restricted by regulations upon the subject. If a man is in the habit of so using intoxicating liquors as to become drunk and injure or annoy his neighbors, the law wisely steps in, and restrains and punishes that man; but that is a very different thing to allowing the majority of the electors of any particular district to lay down the law on such a subject as this to the rest of the inhabitants of that district, who probably outnumber them ten to one. If, in any particular district, one man, or twenty men, are in the habit of making an intemperate use of liquor, is that any reason why you or I, or any other inhabitant of the district, who never exceed the moderate use of it, and from such use derive not only pleasure but benefit, the deprivation of which we should much feel—is it in reason, under such circumstances, that a majority of the inhabitants of that district should lay down the law to the rest of us as to what we should drink, or rather what we should not drink? I contend that such a law as this would be an interference with the private rights of the people which would be unjustifiable in the highest degree, and would be of no practical value, because it could never be practically carried out. Then, again, think of the continual disturbance to which it would give rise, if such a law as this were enforced—the continual strife and agitation which it would occasion! Think of having one-half of the population spying out the private life of the other half, to see whether they complied with or evaded the terms of this law! I really think, if such regulations

were to come into force in any particular part of the country, there would be such continual strife and disturbance in that district, that it would be shown at once that this was not a wise law in any particular. I consider, in addition, the law is not a practical law, because if it were enforced in one district, the result would simply be this: in surrounding districts the number of public houses and other places where liquor would be sold, would be doubled in number, and those who were in the habit of intemperately or temperately using liquors would go to those places and supply themselves with all they needed. This Bill would throw difficulties in their way, it is true, but there would be, nevertheless, as great a consumption of liquor in the prescribed district, as before the enforcement of the law. And if you were to go further and say, if that is the case we will extend the provisions of this law over the whole country, why, I say, it would simply give rise to a revolt and rebellion, which would speedily upset the law, and restore matters to the basis on which they now stand. I must say, I regret the introduction of such a bill as this in the Senate, because I am quite sure it places many hon. gentlemen in the same position in which I find myself, of having to stand up and oppose a bill which has—presumably—for its object the mitigation of the evils which are attendant on the intemperate consumption of alcoholic liquors. We must, all of us, recognize the evils of intemperance. There can be no difference of opinion on that point. We all know that the intemperate use of alcoholic stimulants is prejudicial, not only to the health of the person who so uses them, but also to his family, and frequently leads to the commission of crime. I think there are no statistics in Canada on those points; and even in England where statistics are so elaborate and copious on all matters it is difficult to arrive at a definite conclusion. Nevertheless, there is evidence to be got at, and I have been intersted during the past few days in looking over a report of a committee of the House of Lords on intemperance, which sat during the last year. It was pleasant to notice the assiduity with which the members of that committee attended to their labors, and the intelligence and knowledge they manifested in the exami-

nation of the witnesses brought before them. But after all the result was more or less unsatisfactory, because as many diverse opinions were given on every branch of the subject they were investigating as there were witnesses examined. One witness would say he did not consider intemperance on the increase. Another, who had equally good opportunities of coming to a proper conclusion on the subject, would say intemperance was rapidly on the increase. And so it was throughout the examination, and the result of the matter was, that there were so many diverse opinions as to how the evils of intemperance should be met, that no one can come to any definite opinion upon the subject. One thing, however, was clear—that the consumption of alcoholic liquors in England during the last decade had increased to a very large extent. But that is explained, and very reasonably explained, by the fact that during that time there were many years of unexampled prosperity, and the people were more in the position to spend money on the luxuries of life than they were before. That is proved by the fact that during those same years the consumption of tea, sugar, of even beef, and other necessaries, was increased in like proportion; and, to put it in the words of a witness, “the consumption of the temperate had increased during that time in proportion to the general prosperity of the people.” Then there was another interesting point brought out, which was, that four-fifths of the consumption of alcoholic liquor was the consumption of the temperate, and that less than one-fifth of the whole amount was the consumption of the intemperate. The word “intemperate” in this case, does not mean only those who habitually drink to the extent of drunkenness, but includes that very large class who, as a matter of course, in daily life, make use of more spirits than is good, either for their health or their pockets. Then there was another point which was well established, and that was, that in England intemperance was a local and not a national evil. It was in certain localities only that intemperance prevailed to any extent. In those certain localities the people seem to have got into a habit of intemperance, which did not exist in other places. Of the total number of committals for drunkenness during the year 1876, seventy-five per cent. took

*Hon. Mr. Cornwall.*

place in seven counties only of England, and those counties were situated in the North. They were counties where the inhabitants were engaged in mining, and in the large towns. But, after all, I do not know that these considerations are necessary. We must all recognize the evils of intemperance, and must all regret that the Government, when they took this matter in hand, did not bring down some sensible and practical bill which might be of practical value, and be carried out in a manner beneficial to the country. I believe they might have framed such a measure, though I have no intention of pointing out to the House what course, in my opinion, should be adopted; yet, I will say, there is no point to which the Government might well pay greater attention than to the moral education of the people. There is no doubt that one of the most potent causes of intemperance is the want of self control, arising from lack of early training and from generally imperfect education. There can be no doubt about that, and the energies and means of the Government might well be employed to bring about some change in these particulars. Every step they might take in that direction would be repaid ten-fold. But it is not only for them to see to this matter, it is also incumbent upon every member of this House, and every citizen of the country, to show, by his example, how he values and exercises self-control; not by depriving himself altogether of the use of the gifts with which a bountiful Providence has surrounded him, but by simply using those gifts in a temperate and a moderate manner.

Hon. Mr. VIDAL—I do not propose to reply, at the present stage, to the statements made by the hon. gentleman who has just sat down, with but one exception. He has certainly clearly intimated to us that he has in his mind some scheme by which the frightful vice of intemperance and its dreadful results in our country can be lessened or removed. I hold that if he has any ideas on this subject worthy to be submitted to this House, it is his bounden duty, while occupying the position he does, to let us know what they are. For a long term of years the greatest philanthropists of the time, anxious to promote the best interests of humanity, have been giving their earnest attention to any and every scheme which has been suggested as

likely to stay the ravages of intemperance; and I unhesitatingly say, that if any member of this House can devise a scheme by which this result may be more readily attained, or which he considers more in harmony with the dictates of reason than the one now submitted to the House, he is bound, by his unquestionable duty to the country, to make known what the measure is, and should not leave us in our ignorance to go on with a bill which he declares to be unwise and impractical, while he holds the key by which the great problem can be solved. I consider that we are indebted to the Government and especially to the hon. Secretary of State, for the measure which is now brought before Parliament. I recognize with the greatest satisfaction and delight to bear my testimony to, the readiness to meet the wishes of temperance men, which the hon. Secretary of State has shown in adopting their suggestions, and the trouble he has taken in drawing up the Bill which he has now submitted for our consideration. What may have led the Government to take up this subject I do not stay now to inquire into; I think it would be unworthy on my part were I, occupying the position I do in relation to this subject, to suggest that any unworthy or improper motive has influenced them in submitting this measure to Parliament.

Hon Gentlemen—Hear, hear.

Hon. Mr. VIDAL—I must confess, while I think, upon the whole, it is a good Bill, and while I would take it as it is rather than lose it, I have objections to some sections, which I will, at the proper time, propose to amend. I rejoice in the fact that this Bill is so generally recognized as a measure which is above all party feeling; that we find members who usually oppose the Government willing to unite with those who support them in endeavoring to perfect the measure. That is undoubtedly the right course to pursue, for the interests of the whole country are affected by it. No political party has any special claim to call this their Bill: no party can, as such, be particularly affected by its passage or its rejection, but the whole country will be benefitted by its becoming law, and we are bound to give our best efforts to aid the Government in perfecting it. The hon. Secretary of State has told us very correctly that it is no

Hon. Mr. Vidal.

new legislation. There is certainly nothing novel in legislating with a view to limiting and restricting the liquor traffic. If we look at the Statute Book of England, what do we find? On its pages I believe there have been over three hundred different enactments on this particular subject. Does any hon. gentleman venture to assert that those enactments have been placed there in the interests of commerce, for the purpose of developing any branch of industry? No, every one of those statutes has for its object the restriction of the sale and the lessening of its resulting evils, and is a continually repeated testimony to the fact to which I have frequently called the attention of this House, that the traffic in intoxicating liquors is productive only of evil, and requires to be suppressed or curtailed in every direction. We have been for three centuries lopping off the twigs and branches of the upas tree which is growing in our midst. Why do we not cut it down at once? destroy it root and branch; then we should not find it necessary, year after year, to enact statutes for diminishing its baneful effects. The hon. Secretary of State has spoken of the legal or constitutional aspect of the question. I must confess in this I am still in the dark. I have perused with the greatest attention the judgments given by the Supreme Court of the Dominion, and of the other courts referred to by him, and at this hour I contend that we have little more light upon this question as to the *ultra vires* of our action upon it, than we had when I directed the attention of this House to the matter in 1875, when petitions for a prohibitory law were pouring in upon us from all parts of the country. We were not then met with the objection that it was beyond our jurisdiction, but with doubts as to the usefulness or efficiency of a prohibitory law, such as was petitioned for. It has been already related to us what took place—that a commission, at the instigation of Parliament, was appointed to go to those states where prohibition was in force, and report upon the effect of it in those states. Two were appointed; one of them, when they set out from this country, was an anti-prohibitionist. He had no sympathy with the prohibitory movement. What was the result of that Commission? A

report which was certainly enough to satisfy every candid man that wherever prohibitory laws had been enacted and in any degree enforced, the greatest benefit had resulted. The report was printed and circulated very largely. Almost every hon. gentleman in this House must have had an opportunity of seeing it, and of weighing and judging of its contents. Their testimony is corroborated in every direction. The hon. gentleman who preceded me remarked that prohibition is not likely to produce good results.

Hon. Mr. CORNWALL—Not if attempted to be brought about in this way.

Hon. Mr. VIDAL—I wish the hon. gentleman to understand that no matter in what way it is brought about, where a prohibitory law exists, and is enforced, it is invariably accompanied by good results. In the ecclesiastical Province of Canterbury, England, prohibition has been fairly tested on a somewhat extensive scale, and with what result? Let me answer by reading a brief extract from the published report of its committee to the House of Convocation :

“ There are, at this time, within the Province of Canterbury, upwards of one thousand parishes, in which there is neither public house nor beer shop, and where, in consequence of the absence of these inducements to crime and pauperism, according to the evidence now before the committee, the intelligence, morality, and comfort of the people, are such as the friends of temperance would have anticipated.”

With permission of this House, I will read two or three short extracts from other papers corroborating this view. A writer in the *Edinburgh Review* says :—

“ We have seen a list of eighty-nine estates in England and Scotland where the drink traffic has been altogether suppressed with the happiest results.”

In Ireland the experiment has been tried in the county of Tyrone, which contains sixty-one square miles, and has a population of ten thousand people, and in which no public house is allowed. Of this county, the Right Honorable Lord Claude Hamilton, M. P., said :—

“ At present there is not a single policeman in that district. The poor rates are half what they were before, and the magistrates testify to the great absence of crime.”

In Saltaire, in the county of Yorkshire, England, there is not a single beer shop,  
Hon. Mr. Vidal.

and prohibition has prevailed for many years. Of this place, in an article on this subject, the *Daily Telegraph* says :

“ The stage of experiment has long been passed; the scheme has survived open hostility, envy, and detraction, and is now a brilliant success.”

The report of our commissioners, to which I have already referred, contains many such certificates, from Governors of States, Judges, Sheriffs, and other public authorities, showing the effect of prohibition to have been the same in the United States. I will give one more extract, showing what good effects have accompanied the partial prohibition of the liquor traffic in our own country, where the Temperance Act of 1864 has been in force. The Mayor of the town of Napanee writes :—

“ The Dunkin Bill is a success in this town and county. We have no prisoners in our gaol except one, a lunatic. We have no fights, no quarrels, no arrests, no paupers. All is peace and harmony and good will. The trade of the town has not suffered in the least. We have no municipal law better kept than this.”

I might go on and multiply to an inconvenient length, the testimony I could bring to this House to show that wherever the traffic in liquor has been prohibited, it has invariably been followed by those satisfactory results—absence of crime and pauperism, and general prosperity. Reverting again to this question of jurisdiction, I repeat that in my opinion, it remains in the same position as when our attention was first called to the difficulty. I may remind the House that the following year, after receiving the report of the Commission, and having, as we thought, our way clear for legislation, we ventured to broach the subject of a bill, and then we were met with the statement that it was doubtful if this Parliament had jurisdiction over the traffic. Finding it was too late in the Session of 1876 to do anything that year, I ventured to draw up and submit for the approval of the House, four questions, and moved for an address to the Governor-General in Council, requesting that they should be submitted to the Judges of the Supreme Court for their opinion thereon, so that when this House met the following year, it should be in a position to deal with this subject intelligently, and with a clear understanding of the extent of our

jurisdiction. I daresay the House will remember that when requested by hon. gentlemen on both sides to withdraw the motion, I refused to do so, until I received from the hon. Mr. Letellier,—then leading the Government in this House,—the assurance that if I would withdraw the motion, which was rather inconvenient, the question should be settled and information given to the House when we met the next session. I hardly need remind hon. gentlemen that this promise was not fulfilled, and that when we next met, the hon. Minister who had made the promise for the Government was not amenable to our interrogation, and the difficulty remained in the same position as before. The question of jurisdiction, so far as it affects the measure now before the House, was not settled by the case recently decided by the Supreme Court. The decision was confined simply and solely to the question of the right of the Province of Ontario to impose a license fee on a brewer already holding a license from the Dominion Government for making beer. That is the sole point which has been settled. The decision does not touch the constitutional question, and there is no further light thrown on this subject to-day than there was two years ago. What rather surprises me is that the hon. Secretary of State has now come to the conclusion that the Dominion Government has the power which two or three years ago he claimed there were grave doubts about, when there has been no authoritative settlement of the question. So far from its being settled, in my opinion the question is now more complicated and in a far worse position than ever before. As a loyal subject of her Majesty, and as a loyal citizen of the Province of Ontario, I am bound to receive as law that which a Royal Proclamation, duly attested by the Lieutenant Governor of the Province declares to be such. Such a proclamation was issued last year, announcing that a code of laws called "The revised Statutes of Ontario" came into full force and effect on the first of January of this year in that Province. Among these Statutes is one in which is embodied the greater part of the "Canada Temperance Act of 1864" commonly known as "the Dunkin Act;" clearly showing that the law officers of the Crown in Ontario, and its Legislature, claimed and exercised

Hon. Mr. Vidal.

control of the matters which are dealt with in the Bill now before the House, and the power to amend and repeal the Dunkin Act.

By turning to page 2270 of the Revised Statutes, I find, in the regular table annexed to them for our guidance, a schedule of Acts which are wholly or partly to be repealed, and among them the Temperance Act of 1864. I observe in the margin that the whole of it is repealed.

Hon. Mr. SCOTT—I think the only change is the word "parish" left out.

Hon. Mr. VIDAL—I am not speaking of the dissimilarity or the resemblance of the Acts. I speak of this fact, that to me it appears the Temperance Act of 1864 has been repealed by the Ontario Legislature as to that Province; and yet I find in section 3 of this Bill provision made for the repeal of the same Act, which the high authority to which I have referred informs me does not exist. This indicates to me that the question of jurisdiction in this matter has not been really decided. Again, I find, on page 2317, a list of the Statutes of 1864 which are affected by these revised Statutes, and among them, chapter 18, "Respecting the sale of intoxicating liquors and the issue of licenses," consolidated into the Statutes of Ontario. Again, in Appendix "B," the same Act is inserted in a carefully prepared table, where every section is dealt with separately. Among others, it tells us that a few sections belong to the Province of Quebec,—one is marked "Effeté," and another "Dominion."

Now I call attention to this to show how thoroughly the Act was considered, and how carefully the framers of the new law, in the Legislature of Ontario, eliminated from the Temperance Act of 1864 anything which in their judgment belonged to the jurisdiction of the Dominion, and by this to prove my assertion that so far from the question of jurisdiction being satisfactorily settled, we have no guarantee and no certainty that this measure can be enforced by authority of this Legislature. The first thing we may expect after it goes into operation is, that cases arising under it will be brought into the courts with a probability that the Act will be declared *ultra vires*. I am so anxious that such a serious difficulty should be avoided, and

that a measure passed by this House shall not be placed in such a position, that I have been continually urging the necessity of getting a decision or an opinion from the Supreme Court, in order to avoid this trouble. But the hon. Secretary of State says this has not been done. I contend that even at the eleventh hour, and after the Bill is passed, it should be submitted to the Judges of the Supreme Court, before the Governor General's signature is attached to it, for their opinion as to its constitutionality. I might remark, in addition to what I have said has been done in Ontario, that the decisions which have been given on this question in other courts, are worth considering. In Nova Scotia the Supreme Court, seven judges concurring—gave a very elaborate and able judgment on a case which came before them. I will read a paragraph or two from it:—

“The sole object of the Legislature was unquestionably the promotion of temperance, and the protection of the health and morals of the people, and the preservation of the peace and of good order of the community, matters of police. The Provincial Parliament is in my opinion entitled to legislate with a view to regulate, within the Province, the sale of whatever may injuriously affect the lives, health, morals or well-being of the community, whether it be intoxicating liquors, poisons, or unwholesome provisions, if such legislation is made *bona fide* with that object alone, even though to a certain limited extent it should affect trade and commerce.”

Such is the opinion of the Supreme Court of Nova Scotia, and no other court, superior in power, has given us any decision opposed to that; so I consider that, in that province at all events, this Act will not be considered binding. With regard to the Bill itself, there are many things which, in my judgment, require explanation and amendment. In the 3rd section there is provision made that the Temperance Act of 1864

“Shall continue in force as to each and every municipality in which a by-law passed and approved, or adopted and passed under its authority and for its enforcement is in force at the time of the passing of this Act, until such by-law has been repealed under and in pursuance of of the said Act, when the said Act itself shall *ipso facto* become and be repealed as to such municipality; and as to every municipality within the limits of the said late Province of Canada in which no such by-law is in force at the time of the passing of this Act, the said Act is hereby repealed.”

That is, a repeal of the Temperance Act of 1864, which has already been repealed

Hon. Mr. Vidal,

by the Province of Ontario. However, I must presume that the Secretary of State, himself a lawyer, and having had the opportunity of conversing with the Minister of Justice, and perhaps with the Judges of the Supreme Court, ought to know whether this Bill is constitutional or not, and I therefore accept it, for the present, as coming within our jurisdiction.

Hon. Mr. SCOTT—I did not state I had consulted any of the Judges on the subject.

Hon. Mr. VIDAL—I did not say that it had been done, I only say that, having had the opportunity of conversing with them, such an opportunity might have been embraced. However, I do not insist upon that supposition. The Government introducing this Bill knows or ought to know what it is doing, and, therefore, we should not reject the measure because some doubts may, not unreasonably, be entertained as to some of its provisions being an encroachment upon provincial jurisdiction. I have placed my views on record, and will now accept and deal with the Bill as one within our jurisdiction.

Hon. Mr. Scott—Is my hon. friend prepared to suggest any other Bill which would be preferable to this?

Hon. Mr. VIDAL—I am not; I believe it is a question of such importance that the Government alone should undertake to manage it. I am not by any means opposing the Bill, I am only mentioning my doubt as to our jurisdiction, and explaining why I suggest that it should be sent to the Supreme Court for their opinion before it is finally passed into law. I would like to ask the hon. Secretary of State something about this third clause. He says Cap. 18, of 27 and 28 Vic., shall *ipso facto* be repealed. Has his attention been directed to the fact that there are certain provisions of that law which have no connection at all with local prohibition, and are clearly within the exclusive jurisdiction of the Provincial Legislatures?

Hon. Mr. SCOTT—I am aware of that.

Hon. Mr. VIDAL—Does the hon. gentleman intend to repeal them?

Hon. Mr. SCOTT—I did not think it necessary to go into detail in print. I think there are 12 or 15 clauses which this Bill does not repeal.

Hon. Mr. VIDAL—It appears to me that should be clearly stated. I have already said that the Bill in general meets my approval, but there is one point, in my opinion a very essential point, in which I consider it defective, and with reference to which it is my intention to submit the following amendment when the Order of the Day is read for the House to go into Committee of the Whole, and before the Speaker leaves the Chair:—

“On page 1, after line 34, insert: ‘The Legislature of any province of the Dominion may, by Address to the Governor-General in Council, duly certified and transmitted by the Lieutenant-Governor, ask that the second part of this Act may be brought into force in that Province, and the Governor-General in Council, on receiving such Address, shall, by Order in Council, published in the *Canada Gazette*, and in the Official Gazette of the Province, declare that the second part of the Act shall come into force and take effect in such Province, at such date as may be consistent with the provisions of the 93rd Section of this Act, in the case of a City or County with respect to existing annual licenses for the sale of spirituous liquors.’”

I shall also offer the following amendments at the same time:—

“On page 20, after line 7, insert: “No Order in Council, issued under the provisions of this Act, to bring its second part into force in any Province, shall be revoked until after the expiration of two years from the day of its coming into force; nor unless, and until the Legislature of such Province shall, by Address to the Governor-General in Council, duly certified and transmitted by the Lieutenant-Governor, have asked for such revocation.”

On page 20, after the word “Act,” in the ninth line, insert, “to bring its second part into force and effect in any County or City.”

On page 24, between Clauses 105 and 106, to insert a clause authorizing the arrest and detention of any person found in a state of intoxication, and compelling such person, on conviction, to disclose where the liquor was obtained.

On page 19, to strike out all that part of Section 92, after the word “years” in line 37.

On page 20, to strike out that part of Section 94 from the word “Council” in the 22nd line to the word “and” in the 38th line.

I propose to move these amendments when the Speaker is in the chair, in order that they may be discussed on their own merits, and, if approved by the House, that the Committee may be instructed to carry out the views. The first amendment is to extend to the provinces the privilege given by the Bill to cities and counties. I do not see why it should be limited to those smaller areas.

Hon. Mr. Vidal.

Hon. Mr. SCOTT—The hon. gentleman puts that on a different basis. He does not invoke the voice of the people, but of the Legislature. I could understand the parallel if the Bill were submitted to a vote of the whole Province.

Hon. Mr. VIDAL—I am quite under the impression that, by the process which I propose to follow with respect to provinces, I am acting more in harmony with true British principles of giving expression to the will of the people, than if I proposed a popular vote on the question. In cities and counties the latter system is unavoidable, as there is no other way of getting at the views of the people, but for a province you have the British system of the people speaking and acting by elected representatives. Is it likely that the Legislatures will move in advance of public opinion? The greater probability is that, so far from taking the lead and educating public sentiment up to this point by legislation, they will not run the risk of adopting such an address unless they are compelled to do so by their constituents. Although my proposed amendment may appear to be at variance with the principle of the Bill, which bases its adoption on the popular vote, it is not so in reality, the difference being only in the mode of ascertaining the will of the electors, in counties and cities by the mode prescribed in the Bill, and in a Province by the vote of its representatives in the Legislature. I think this plan more suitable for provinces as to take the vote of the electors of a province would entail a large and unnecessary expense equal to that of a general election. But this matter can be better discussed when the amendment comes up on the motion to go into Committee on the Bill, and it can then be either adopted or rejected without interfering with the general provisions of the Bill, or jeopardizing its passage.

Hon. Mr. KAULBACH—What is the proposed alteration of the 92nd section?

Hon. Mr. VIDAL—That section, as it stands, provides that when the period of one year has elapsed, after the second part of this Act coming into force, a majority of the electors may petition for the question again to be submitted to the people, with a view to its repeal. Now, I hold

that is a most unwise provision. It would keep the country in a state of constant agitation. No sooner would the Act go into operation than there would be an agitation to repeal it. I contend that by making the law unrepealable for three years, the people would be more cautious in adopting it, and would not bring the law into force unless they were prepared to keep it. I think that the Bill, as it stands, offers an inducement to people to vote without full consideration.

Hon. Mr. SCOTT—Does the hon. gentleman give notice that he will move an amendment that where the law is defeated there shall be no attempt to test the views of the people again for three years?

Hon. Mr. VIDAL—Certainly. I have made provision for both. I desire to act with perfect fairness, and if I take a privilege away from those opposed to me, I am willing to surrender the same privilege myself; consequently, I have proposed this amendment to both sections, 92 and 94, and I believe it will meet the wishes of the temperance people, and I trust will commend itself to the approval of the House. There are several other amendments which I think should be made to the Bill, and which I presume can be submitted with propriety in Committee. I think, for instance, in Sections 6 and 7 there should be some definition of the kind of evidence that should be considered "satisfactory."

Hon. Mr. SCOTT—It was based on the law under which boards of trade are established. It requires that a certain number of electors shall petition for it in any locality, and the Secretary of State must be satisfied of the genuineness of the signatures.

Hon. Mr. VIDAL—The voter's lists often contain the name of one person six, eight, or ten times; a man who owned property in every ward of a town, besides land in the townships around it, would have his name appear five or six times on the voters' lists of the county, and it should be provided that 25 per cent of the voters and not of names on the voters' lists should be taken. In the 93rd Section which provides for the issuing of the Order-in-Council, I think the word "may" should be struck out, and "shall" substituted.

*Hon. Mr. Vidal.*

Hon. Mr. SCOTT—"May" is always used where anything is to be done by the Governor-in-Council. It is used by courtesy.

Hon. Mr. Vidal—Then it is understood to mean "shall."

Hon. Mr. SCOTT—Yes.

Hon. Mr. VIDAL—Would it not be necessary to insert the word "third" in the 8th line of section 93, where it provides that the second part of the Act shall be in force and take effect?

Hon. Mr. SCOTT—Yes, that may be added.

Hon. Mr. VIDAL—I think the clause which provides that vendors of liquor shall be licensed by the municipal council of the county or city, should be amended by substituting "The Lieut.-Governor," for the council, as there are some places in the Dominion where there are no municipal councils. It appears to me that the provisions in the 5th sub-section of section 95, respecting registration, should have a penalty attached for neglect, so as to secure compliance with the Act. I have already noticed what I consider the conflicting jurisdiction in the third part of the Act. The Province of Ontario, for instance, may grant a license to a man to keep a saloon or tavern, and this Act may be brought into operation in that municipality while that license is in force.

Hon. Mr. SCOTT—The Act cannot go into operation while any licenses are running. Of course, if a license were issued after the law were put in force, there would be a conflict of authority, and there would be litigation at once. We having legislated to restrict that particular article of trade and commerce, our law would prevail over the local law.

Hon. Mr. VIDAL—I have endeavored to present the principal features in which I wish to see the Bill amended, and I feel confident in approaching the discussion of the subject, hon. gentlemen will do so with an earnest desire to advance that great and good cause, the efforts of whose advocates have already been recognized; and to meet, whose wishes and second whose efforts, the Government have introduced this measure. I do trust that no personal or party political considerations

will influence us in a matter of such momentous consequences. I regret exceedingly, I am unable to present to the House the facts and arguments, based upon statistics of crime in the Dominion, which I feel I ought to have in my possession, but which, unfortunately, I have not. Two years ago it was announced in the Speech from the Throne,—and I took occasion to express my very great pleasure at the announcement that a law was to be passed for taking the criminal statistics of the country. I have been watching for those criminal statistics from that time to this, because it is upon the criminal statistics of the country, the advocates for the restriction of the liquor traffic, build their strongest and most convincing arguments. I find in the report of the Minister of Agriculture, for 1876, in a paragraph on this subject, the following words:—

“As these statistics are to begin each year on the first of October, and as a part of the year 1876 had lapsed when the Act was sanctioned, the first collection and publication of the said statistics will of necessity appear for the first time in the next departmental report.”

I hold in my hand the next departmental report, and I will be very much obliged to the Minister of Agriculture to show me where to find those statistics. I cannot discover them. I ask the hon. Minister of Agriculture if they are here.

Hon. Mr. PELLETIER—They are not, because I could not get them in a satisfactory way from the different quarters we expected them from. We have taken steps to enforce the measure.

Hon. Mr. VIDAL—I am very glad to hear the explanation, but how much better it would have been to have found it in this report. Upon these statistics I rest my whole case, because it may be said the statistics of other countries do not apply to ours. From what prevails in England and the United States, whose inhabitants have tastes and habits like our own, I am persuaded the statistics of crime in our country, would be found to harmonize with theirs. I hope we are getting in advance of them on this subject, and it is with no little satisfaction I see a diminution of revenue from the Excise. I hope we shall go on increasing that deficiency, until the time comes when strong drink shall no longer be looked upon as a source of revenue. It is to my mind an in-

Hon. Mr. Vidal.

gruous thing, that we should derive a revenue from the crime, wretchedness, and pauperism of our country, or, rather, from that which produces it. It is, to me, an anomaly which ought not to exist in a Christian land, and it is our duty to do what we can to remove every obstacle to the peace, happiness and prosperity of our country, and there is none so great as intemperance. In giving my cordial support to this measure, let it be understood that I do not recede in the slightest degree from what I have always advocated, and shall continue to strive for—complete and effective prohibition of the liquor traffic throughout the length and breadth of the Dominion.

Hon. Mr. DICKEY—The introduction of this measure is a fitting tribute to the earnest exertions of the hon. member from Sarnia, and those who have acted with him. However much we may differ from him and them in one opinion, of the measures they have from time to time proposed, I think we cannot fail to recognise their earnest desire to alleviate the great evils which we all acknowledge to flow from intemperance. On the general question I desire to say very little, but I may say a word upon it after what the hon. gentleman has stated in his concluding remarks. My hon. friend remarked with his usual frankness, that he rests his whole case upon the effect of prohibition and drunkenness, upon the increase or diminution of crime. That is a very fair issue. The hon. gentleman regrets he has not the statistics promised him last year. He has not given us statistics of the case to which he alludes, but I will endeavour to assist him in that enquiry, and I am quite sure, while the hon. gentleman has stated truly that the consumption of liquors has been on the increase in the Mother Country, it will be a great comfort to him to learn that crime and pauperism have decreased with the increased consumption of those liquors. My hon. friend will allow me to give him proof of that assertion. I have it under my hand. It is an official abstract return from the year 1862 to 1877. And what do I find, taking the first question, of paupers? I find that the total number of paupers, including all able-bodied or otherwise, not exactly vagrants, in door and out door, amounted in 1862 in the United Kingdom to 946,166, and that number slightly in-

creased for a term of years, but it happily began to decrease, and it has been steadily decreasing for the last seven years, and now it is reduced from 946,166, in the year 1862, to 728,350 in the year 1877.

Hon. Gentlemen—Hear, hear

Hon. Mr. DICKEY—That is a decrease of some thing like 200,000 in number. But my hon. friend will say, "what about crime?" I will give him the statistics on that point also. I will give him the number of convictions for crime in the same period to which I have just referred, namely, from 1862 to 1877, only dropping the latter year because the return comes up only to the end of 1876. I find that the total number of convictions in England and Wales in the year 1862 was 20,000. The numbers, as above, began to recede, and continued receding during the last seven years, until in 1876 they were reduced to 16,078; a decrease of something like 4,000 in that short period of fourteen or fifteen years, with an increasing population.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—I mention those statistics because they will afford comfort to my hon. friend. He will find it does not necessarily follow that crime and pauperism should increase with the increase of the consumption of ardent spirits.

Hon. Mr. KAULBACH—Do those figures refer to England only?

Hon. Mr. DICKEY—The return includes England and Wales, and is official. The Secretary of State has assumed in his usual way that in the United States, wherever prohibition has been the rule, not only crime, but drinking has decreased.

Hon. Mr. SCOTT—I stated that was the conclusion reached from reading the report of the Commissioners. I spoke subject to that.

Hon. Mr. DICKEY—My hon. friend did make that qualification, it is true, but the hon. gentleman well knows that, in a recent publication, with respect to the State of Massachusetts, the official returns from the mayors and other official bodies of the State, show conclusively that drunkenness and crime had increased during the operations of the prohibitory law. This might have been only a coincidence, but the

*Hon. Mr. Dicky.*

same result is observable in England, where drinking has increased, and yet crime and poverty have diminished. It is singular that this should be the case in view of the report to which the hon. gentleman refers. The Bill before us is extraordinary in character in many particulars. I will allude to the question of expense, and endeavor to show in what way it might be obviated. The Bill imposes all its cumbrous machinery upon the various counties and cities of this wide Dominion; and must result in very heavy expense to the country. In one of its clauses there is a provision that, if at any time within a certain period, one half the electors of a county or district sign a requisition stating that they require this measure to be again submitted to the people, with a view to its repeal, the Governor-in-Council may, upon being satisfied that these constitute a majority of the electors, order that reference to the people. I mention this with the view of showing what appears to me the absurdity of the provision, and the unnecessary character of it. You have got first the fact certified to by the Governor-in-Council that more than one-half of the electors desire the repeal of the Act. And what do you do then? Instead of passing an order repealing the Act, you put the country to the expense of a vote upon it. Look at the absurdity of the thing! You offer a premium to a few individuals who may, in the honesty of their hearts, believe that total abstinence is above temperance, and that temperance is above all the other Christian virtues, to set the machinery of this Act in motion, and put the country to the expense of it. That is practically the effect of it. The Dunkin Act required that the expense of those elections shall be borne in the municipalities in which they take place. That is a check upon calling into action the enormously expensive machinery of the Act. But in this Act the Dominion Treasury is put to the expense of an election contest, merely upon the suggestion of, it may be, a few enthusiastic individuals who have thus an opportunity afforded them of testing the popularity of their views at the expense of the country. It does not become me to suggest the machinery by which this should be provided against. I have found out that the Bill, in its repealing clauses, is based

upon the principle that, if the majority wish to have the Act repealed, they must satisfy the Governor-in-Council that the majority do wish it, and then the country is put to the expense of having a contest to decide what has already been proved. I am not one of those who advocate that sort of bureaucratic Government which would give the Administration of the day power to repeal an act.

Hon. Mr. SCOTT—That provision is intended to meet the possibility of a catch vote where a majority were satisfied the vote had not been a fair one.

Hon. Mr. DICKEY—The 94th section proceeds upon the assumption that a majority of the electors are desirous to repeal the existing prohibition. Whether it should be done in that way, or whether it should be a sort of adjunct to a general election, or a particular election, is another question. Whether it should be done in the simple form I have pointed out, that is to say, by application in writing, signed by a majority of the electors, and the fact of their being electors verified, it is not for me to suggest; but I can understand there are various ways of doing it without resorting to the enormous expenses provided for in this Bill. This Act is proposed as a substitute for the Dunkin Act in the Provinces of Ontario and Quebec, and extending it throughout the Dominion. However stringent the provisions of that Act may be, I must tell my hon. friend opposite, the provisions of the law of Nova Scotia have been, and were before 1864, much more stringent than even those of the Dunkin Act; because, before a person could get a license in Nova Scotia, as far back as 1864, it was necessary, not merely to get the sanction of a majority of the Municipal Council, or the body that represented it, the Grand Jury, (for we have no analogous body exactly in Nova Scotia), but also to get the consent of the Court of Sessions. We have now a much stricter law than any existing in the Dominion. Since then the law I have referred to has been very considerably changed. We have, at the present moment, an Act, the very statement of which, although it has been adverted to by the hon. the Secretary of State, may astonish some gentlemen here. One of the principles of this Bill is—and the hon. the Secretary of State has alluded

*Hon. Mr. Dickey.*

to it very properly—that the majority shall rule. My hon. friend assents to that. That is an intelligible principle, and one which I am not, at the present time, prepared to controvert. But what do we find in Nova Scotia? No man can get a license to sell liquors without first having the written consent of two-thirds of the ratepayers in the district where he applies to get that license. But he must do more than that. By the late law, after running the gauntlet of getting this two-thirds majority of the ratepayers, he has to get a majority of the Grand Jury and a majority of the Court of Quarter Sessions. But, by a late law, he is still further restricted, because he must get two-thirds of the Grand Jury as well. The principle of this Bill is, as I have already stated, the majority shall rule; but, in Nova Scotia, the minority rule—the temperance minority. But my hon. friend says, on the face of this Bill, in the preamble:—"Whereas it is very desirable "that there should be uniform legislation "in all the Provinces, respecting the "traffic in intoxicating liquors." That is embodied in the Speech of His Excellency the Governor-General, delivered at the opening of the Session. We were told we were going to have a uniform law applicable to all the Provinces. And what do we find now? The hon. the Secretary of State tells us he is not going to repeal the law in Nova Scotia. I will show he has no power to do so, though on the face of this Bill, he undertakes to repeal that law in Ontario and Quebec, with all its provisions affecting civil rights. We have very much the same provisions in the laws of Nova Scotia—those provisions which afford a civil remedy to the widow or child, or a person who is assaulted in any case in connection with a person who has been drinking, against the party who has given him liquor. Those provisions are swept away in Ontario and Quebec, and left in Nova Scotia.

Hon. Mr. SCOTT—If we have no control over the municipal clauses of the Dunkin Act, it is immaterial whether we mention them or not. We only repeal such parts of the Dunkin Act as we have jurisdiction over. So far as the Nova Scotia License Act is concerned, it stands the same as the Ontario and Quebec License Act, because after this law goes

in force in any district, no license can be issued in that district.

Hon. Mr. DICKEY—The hon. gentleman cannot put me off the track in that way. The first section expressly repeals the Dunkin Act, including the very provisions which the hon. gentleman says he has no power to repeal in Nova Scotia.

Hon. Mr. SCOTT—We cannot repeal what we have no power over.

Hon. Mr. DICKEY—But the hon. gentleman's bill does repeal it.

Hon. Mr. SCOTT—I think I spoke very plainly in my observation, and especially on that very point.

Hon. Mr. DICKEY—I am speaking of the Bill as I find it. It is somewhat extraordinary in a great many of its provisions, apart from the utter absence of uniformity. My hon. friend from Sarnia has adverted to some of them, but there is a curious provision in the measure, and there are some very harsh clauses. Going back to the question of this general election all over the Dominion, on this measure, whether there shall be traffic or no traffic in liquors, this Bill makes a man liable to a penalty of \$500, or six months' imprisonment, for supplying ballot papers without authority.

Hon. Mr. SCOTT—It becomes fraud when a man supplies ballot papers without authority.

Hon. Mr. DICKEY—It does not say supplying with a view to fraud. I will call the attention of my hon. friend from Sarnia to the very alarming clause in this measure, which imposes a very heavy fine or imprisonment at hard labor upon anyone who shall wear a badge or furnish a badge to any person to wear within eight days before an election. I come from a county where, I am happy to say, I meet with the greatest pleasure gentlemen who are not ashamed to sport the blue ribbon on their breasts, and yet we find the Bill here making it penal for a man to show his colors within eight days before an election. I have heard of people who were deprived of their liquor looking blue, but I never heard of a temperance man who was ashamed of his badge, and I never expected to see the time when the Government would impose a penalty upon a man for showing his colors. The whole system of this Act is founded apparently upon a

Hon. Mr. Scott.

desire to make it as odious and as difficult to carry into execution as possible. There are several other features of the Bill to which I would like to advert. I do not propose to go into the question of how it differs from the Dunkin Act, because that is a very wide subject. I come now to a very important matter—the power of this House to deal with this question. My hon. friend the Secretary of State undertook to say, after quoting his authorities, (of which I shall speak presently) that in the provinces they had no power to impose restrictions upon the sale of liquors—that these restrictions would be *ultra vires*. I have the misfortune of differing from him on that point, and have grave doubts indeed as to the power of this House to deal with the question in the manner in which it is dealt with in this Bill. The 9th subsection of the 92nd Section of the British North America Act is as follows :

“In each province the Provincial Legislature may exclusively make laws in relation to (amongst other subjects) Shop, Saloon, Tavern, Auctioneer and other licenses in order to the raising of a revenue for Provincial, local or municipal purposes.”

Before I go a step further, I wish to show the case just now quoted—the Queen vs. Severn—is entirely inapplicable. That was a question as to the right of the provincial authorities to impose a license on brewers. These brewers deriving their authority from the Dominion and manufacturing an article subject to an Excise duty, it was on that ground that the Supreme Court decided the Provincial Government could not step in where the Dominion Government authorized those parties to manufacture beer, &c., by payment of duty. They had no power to step in and impose a duty also for the benefit of the Local Government. The power of the Local Legislature is restricted to the raising of revenue for local and provincial purposes, and these are the purposes for which those licenses are given in almost all the Provinces, except brewers' licenses, which have nothing to do with those matters at all, because they refer to manufactured articles which are excepted from the operation of this Bill itself. This measure proposes, when the Act is passed in a district, at the expiration of the licenses then existing, *ipso facto* all licenses become void, and no more shall be issued. The effect

of this Bill is to interfere with the right of the local legislatures to issue licenses.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. DICKEY—In that way it does interfere with the Local Legislatures, and I stand here to defend the right of the Local Legislatures to reserve to themselves the jurisdiction given them by the British North America Act, of granting licenses; and I contend, if they have power to grant licenses and the Dominion Government has power to take them away by this Bill, it is a perfect mockery, and the conflict of jurisdiction is complete. My hon. friend had better keep to the decision of the Supreme Court, which is in all cases where revenue is raised for Dominion purposes, the Provincial authorities had no power to impose a duty on them when they had to pay Excise duty to the Dominion. The hon. gentleman has cited a case which was decided in New Brunswick. I took the opportunity of asking the hon. Secretary of State whether that decision was not given by the very Judge who dissented from the views of the majority of the Supreme Court here the other day.

Hon. Mr. SCOTT—Yes, but it was not on that point.

Hon. Mr. DICKEY—I deem it my duty, as these constitutional questions come up, to submit them in all candor and fairness to the House.

Hon. Mr. SCOTT—My hon. friend heard my explanation of that. I stated that was subordinate to the power to regulate trade and commerce, and I stated that the Federal Parliament could prohibit the importation of liquors, as it could of opium, or any other article or manufacture. I do not think any one can challenge that statement.

Hon. Mr. DICKEY—That has no effect whatever on my argument. I say until the manufacture and importation are prohibited, the Provincial Legislatures have power to grant licenses. I would ask my hon. friend if he can contradict that. He says licenses can only be given for the sale of those things which can legally be sold. I say while my hon. friend will not yield to the demands of the temperance body to give them prohibition, and while he allows liquors to be brought into the country and manufactured in the

*Hon. Mr. Dickey.*

Dominion, how can he turn around and say that the local authorities shall not issue licenses to sell them? When he prohibits the importation and manufacture they can have no power in the matter at all. That is my contention, and I may say, from information I have received, I have very good reason to believe this measure has excited the greatest consternation in the Lower Provinces, because it takes away from the Local Legislatures the power to deal with this question. If my hon. friend has the power he claims in this Bill, and if he has the power to repeal the whole of the Dunkin Act, he has power also to repeal the existing license law in Nova Scotia.

Hon. Mr. SCOTT—Certainly; wherever this law is adopted.

Hon. Mr. DICKEY—My hon. friend repeals the Dunkin Act; why has he not power to repeal the license acts in the other provinces?

Hon. Mr. SCOTT—I do.

Hon. Mr. DICKEY—Then the apprehensions of those people are well founded. The feeling in Nova Scotia (I speak of that province because I know it better than the others) is that this measure is an interference with the temperance legislation of that Province, and they desire to be free and uncontrolled.

Hon. Mr. SCOTT—Nova Scotia, either in its cities or counties, need not adopt it. Unless a majority choose to supplant the present very excellent law of that province, it cannot go in force.

Hon. Mr. DICKEY—But it is not to be adopted by the Province as a whole; any county may adopt it. What is the effect? You have a conflict of jurisdiction. You have on the one side this Act, saying you shall not have licenses, and on the other, the Province, saying for the purpose of revenue, we must issue licenses. In so grave a matter as this, my hon. friend should proceed cautiously and step by step. His attention has been called to-day to the fact, that two years ago the House was promised a reference to the Supreme Court on this very question, and my hon. friend knows but for the fact that this is not a private bill, and this Senate has no power to make that reference, we should have a motion to obtain the opinion of the Judges on this measure; because it

is admitted there is a doubt as to its constitutionality. The very fact of my hon. friend and myself discussing this question across the floor of the House, is quite sufficient to show there is a conflict of opinion upon this point, and is it desirable this country should be torn from end to end, and this costly machinery set in motion, if it is to go for naught? Is it not desirable that we should know whether we have the power to pass this Bill or not? My hon. friend must know that there is a section of the Supreme Court Act which specially provides for such a case as this. It is as follows:—

“ S. 52.— It shall be lawful for the Governor in Council to refer to the Supreme Court, for hearing or consideration, any matter whatsoever, as he may think fit, and the Court shall thereupon hear and consider the same, and certify their opinion thereon to the Governor in Council.”

I can only say, whatever that opinion should be, I am quite satisfied a majority of this House would yield to it. All we want is to see our way clear. If it is shown that we have the power to pass this Act, why, let it go. Personally, I have no disposition to oppose the passage of this measure, but I do feel myself justified in rising to protest against the course that has been taken, in order to protect the rights of the different Provinces, and to point out to my hon. friend and the House, the discrepancies which occur in this Act, and the very singular provisions in it.

Hon. Mr. SCOTT—That is not a discrepancy. It was deliberately done. I did that on the assumption we had the power.

Hon. Mr. DICKEY—Yet the hon. gentleman has not cited a single case which justifies him in that assumption, except the one case in New Brunswick, in which the Judge who rendered the decision is now in a minority in the Supreme Court.

Hon. Mr. SCOTT—I quoted Judge Strong. Although the point did not come up, the inference was, as a branch of trade and commerce the Federal Parliament had the prerogative.

Hon. Mr. DICKEY—We are not talking about the propriety or impropriety of prohibiting the importation and manufacture. The question is when the manu-

Hon. Mr. Dickey.

facture is sanctioned and the entry of these articles into the country is admitted and duty paid upon them, whether the Provincial Legislature has not the power to make regulations for giving licenses for the sale of those articles. We believe and contend that according to the British North America Act they have that power and we say if you pass an act declaring that after a certain date their licenses shall have no effect in the province or county where it is in force, it is practically a repeal of the License Act and an interference with the powers of the Local Legislature. I do not desire in any way to offer any factious opposition to the Bill. My desire is that the House should be put in possession of the deliberate opinion of the Supreme Court as to our jurisdiction. I have not given a very decided opinion—not a dogmatic opinion—on that point, but I have given a very frank and open expression of my doubts upon it. At the same time I may be wrong and the hon. Secretary of State may be right, but it is a case where there should be a reference to the highest tribunal in the land.

Hon. Mr. SCOTT—Does my hon. friend, as a lawyer having large experience, suppose, without a living case to refer to the Supreme Court, he would like to be bound by the dictum of the Judges, on the bare naked question whether this law was *ultra vires*?

Hon. Mr. DICKEY—I do not think it requires any actual pending case at all. The words of the Supreme Court Act are sufficiently comprehensive to provide for a decision on a constitutional question like this coming up.

Hon. Mr. VIDAL—When I brought the matter up two years ago, I stated a fact which should be borne in mind, touching upon this point—that is, that the decisions of the courts, as recorded in the books, are so full that they themselves constitute the very best argument to submit to the Judges. Moreover, I suggested that such was the importance of the question, it would be well for the Government to employ two of the most eminent counsel in the Dominion to argue the two sides of the question before the Judges.

Hon. Mr. SCOTT—When this last case of the Queen *vs.* Severn was brought up, we thought it would raise the very

point we wished to have decided, but, as those who have taken the trouble to read the dictum of the Judges know, they avoided all but the naked question. They have not given us very much light, I confess.

Hon. Mr. DICKEY — That is the reason why I think this Bill should be submitted to the Supreme Court, and the Bill itself contains all the facts necessary for adjudication.

At six o'clock the House rose for recess.

AFTER RECESS.

Hon. Mr. MILLER resumed the debate. He said :—I do not purpose engaging the attention of the House in discussing the principle or policy of the measure now under consideration. I am satisfied to leave the management of this question on its merits, in the very able hands of its friends, so many of whom I see around me. The policy of the measure, I may, however say, has my entire approval and I shall be happy to give the Government my humble assistance in either placing this or some other measure within the scope and jurisdiction of this Parliament, on our statute books, if the friends of the temperance cause in this House consider it advisable to do so. My object in rising is to call the attention of the House to this very unfortunate position in which this question is placed, and the wisdom of hesitating before proceeding further in the course we are now called upon to pursue. Without any desire to censure the Government I cannot help on the present occasion expressing my sincere regret that the Administration has not seen proper, before submitting this Bill to Parliament, to exercise the right and power which they possess of having the opinion of the Judges of the Supreme Court as to the constitutionality of the measure.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I think if the Government were really desirous to promote the cause of temperance and meet the views of the very large, influential and respectable body in this country who have demanded legislation in this direction, long before the meeting of Parliament they should have matured a measure which they could submit to the House

Hon. Mr. Scott.

as one within its scope and authority—under the sanction of the Judges of the Supreme Court. Instead of that, not until the Parliament had met; not until the representatives of the people who expect shortly to go before their constituents, had assembled in caucus at Otawa, and urged on the Government how much assistance this Bill was expected to be to supporters of the Ministry, did they set about the preparation of this measure. I believe—indeed, it is a matter of notoriety—that it was since the opening of the Session that the Bill has been framed. If ever there was a case of unjustifiable neglect on the part of a Government in such a matter, that case is the present one. We all know that an organized agitation has been going on for years past, in favor of prohibition in this country, which has made itself felt in Parliament, and especially in this House. A Committee of this Senate sat on two occasions to consider the representations made to us by the friends of temperance. We all know the persistent perseverance of the hon. gentleman from Sarina on this question (Mr. Vidal). His advocacy of the temperance cause has done more to popularize it in this House than anything else, and I have no hesitation in saying if we are in a position to give it a fairer consideration than perhaps it will get elsewhere, it is due to the able, honest, and earnest efforts of that hon. gentleman, on all occasions, to promote his views and the views of those with whom he is associated, in this branch of the Legislature. On both occasions to which I have alluded, when Committees of this House were appointed to consider this question, they recommended legislation in this direction, but the Government allowed the subject to drop out of sight. More than that, this question has been vexed before the law courts, It has been a vexed question, involving constitutional points. It has been a question how far the authority of the Local Legislature extended on this subject, and how far the jurisdiction of this Parliament extended; and therefore, in view of the large and important interests affected in the controversy, and especially with regard to the constitutional issues which were to be decided, it was the imperative duty of the Government to have submitted to the Supreme Court any such legislation as this which they now ask

Parliament to endorse. If the Government had been sincere from the beginning in their treatment of this question, one would suppose their first desire in placing a law upon the Statute books would be to make it one which, beyond doubt, was within our jurisdiction, and not one to give rise to all the vexation, litigation and injury to the temperance cause, which would flow from putting on the Statute books a law which we had no right—or only a doubtful right—to place there. They would, before the meeting of Parliament, have carefully matured a measure, and submitted it to the Supreme Court, as they have the power to do, under the following section of the Supreme Court Act, already quoted in this debate :—

“ It shall be lawful for the Governor-in-Council to refer to the Supreme Court for hearing or consideration any matters whatsoever, as he may think fit, and the Court shall thereupon hear, and consider the same, and certify their opinion thereon to the Governor-in-Council; provided that any Judge or Judges of the said Court, who may differ from the opinion of the majority, may, in like manner, certify his, or their opinion or opinions to the Governor-in-Council. (38 Vic., cap. 11, sec. 52.)”

Why, I ask, was not such a reference of this Bill ordered during the recess, or, at any rate, before it was submitted to Parliament? It will be difficult for the Government to give a satisfactory answer to this question either to the friends or to the enemies of the measure. This is just such a case as was contemplated by Parliament and the framers of that law, the hon. gentlemen now on the Treasury benches. Why was not this wise course taken during the recess? I believe this measure and the wishes of the temperance people of this country received very little attention from the Government until after Parliament met. I believe I am correct in stating not a line of the Bill was prepared until after the opening of the Session, and then it was drawn up with the assistance of an officer of this House. That is not a course which the Government should have pursued, and they are highly censurable for their neglect in this respect. The hon. Secretary of State, in reply to some remarks which fell from my hon. friend (Mr. Dickey), asked him if he considered it would be a desirable thing, without a given case, to submit to the Judges the Bill as it stood for their opinion. I can-

*Hon. Mr. Miller.*

not understand what objection there could be to such a course, because that is very different from submitting a case for the consideration of the Court. In any case that might be supposed half a dozen different questions might arise outside of the constitutionality of the law, that it would not be desirable to discuss, but a reference of the Bill itself would cover all the cases that might arise under that law, and it would be much more convenient and easy for the Court to pass generally upon the constitutionality of the measure, than by a number of special references. A hundred cases might arise under that law, and the reference of the whole of those cases together might not decide every constitutional point that might arise under the provisions of the measure; whereas, if you submit the law itself, every part of it would undergo revision, and receive the stamp of the best authority. Therefore, it would have been wise, as well as imperatively obligatory on the part of the Government, to have submitted this Bill to the Supreme Court for their opinion before bringing it down to the House. Let us suppose this Bill to be passed and become law, and it is found unconstitutional in any of its provisions. We know the temperance organizations are powerful and wealthy, but their opponents are perhaps equally so. With the means to test every inch of ground, there would be a certainty—in the event of the passage of a law in any respect of doubtful constitutionality—that endless controversy and litigation would arise. Would that be beneficial to the country, or to any one outside of the legal profession? Is it desirable in the interests of the temperance cause, that we should put on the Statute books a law of the constitutionality of which any portion of the people might not be certain? On the contrary, is it not the greatest injury you could inflict upon that cause?

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER — I think this must appear so self-evident to the House, that even yet there could be but one course open to the Government, and that is, to yet ask the opinion of the Supreme Court on the Bill before it leaves the Senate. If it were a private Bill on any other subject involved in similar doubt and difficulty, I would support a motion

to refer it to the Judges for their decision; but, as this is a measure which cannot be referred by Parliament, and which must be referred by the Governor-in-Council, if referred at all, I hope, therefore, the Government will see their way clear to obtaining the opinion of the Supreme Court as to its constitutionality, even now. It may be said this will delay the measure and prevent it becoming law this Session. I do not think it should have that result—I am certain it cannot have that result. It should not cause a greater delay than three or four days, or a week at the outside, and, with the friendly disposition which prevails in this House towards the measure, I do not see that there would be the slightest difficulty in getting it through the Senate in time to go to the other Chamber, and, if it should receive the sanction of that House, it could pass there and become law. In the interest of the temperance people, this is the most desirable course to pursue.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—With regard to the constitutionality of the law, I have some hesitation in expressing an opinion, in view of all the controversy that has arisen on the subject. Although I do not go the length of my hon. friend on my right (Mr. Dickey) as to the unconstitutional character of this legislation, still, I do think to some extent, the Bill, in its provisions, is *ultra vires*. I refer now especially to the clause repealing the Dunkin Act. I think it is exceedingly doubtful, in fact it is almost certain that, we have not the power to repeal some provisions of the Dunkin Act, which create civil rights, and which are beyond the authority of this Parliament. When I first perused the Bill, not being acquainted with the provisions of the Dunkin Act, it did not strike me, until subsequent consideration turned my thoughts in that direction, that the Bill was *ultra vires* in regard to its repealing provisions. With regard to the enacting provisions, I can see nothing wrong. It is perfectly competent for this Legislature to pass a law to prohibit the manufacture or importation of intoxicating liquors, or any other article of trade and commerce in this country, and if it is competent for this Legislature to do so, it is certainly competent for it to interfere with the alleged

Hon. Mr. Miller.

rights of the local legislatures, to give licenses for the sale of those articles, because, though the power of granting licenses rests with them, it cannot be construed into a right to license the sale of anything which the proper authority declares to be illicit and contraband.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLER—There can be little doubt, if the Dominion Parliament declare the importation or manufacture of intoxicating liquors to be illegal, then it is impossible for the Local Legislatures to grant licenses for the sale of that which a competent authority, in matters of trade, declares to be contraband of law. If, then, the Dominion Parliament has power to absolutely and directly prohibit the manufacture or importation of alcoholic liquors, it certainly has power also to prohibit the trade, through a popular vote. It can delegate its powers to a municipality to do that which it has the power to do itself, and the moment this law is accepted by any municipality, it amounts, within that municipality, to a limited prohibition, within the terms of the Statute. Therefore, I conceive that in its enacting clauses, we have power to pass this Bill.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLER—But, with regard to our power to repeal the Dunkin Act, I must repeat I find that it gives civil rights which the Local Legislature alone has power to deal with, and therefore it is *ultra vires* for us to attempt to repeal those provisions of that Act. This is my opinion of the Bill. Seeing however that gentlemen belonging to the legal profession on both sides of the House, have different opinions on the question, it must be obvious there is but one course out of this difficulty, and that course it is not too late to take. I say it is no unfriendly spirit to this legislation, though I believe, so far as the temperance people are concerned, this Bill should not be nearly so acceptable to them as the license law of Nova Scotia, which is the very best temperance law in the Dominion.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I do hope in view of all I and others have said, the Government will now submit this Bill to the Supreme Court for their opinion. If

they do that and place this measure on the Statute book with judicial approval as to its legality, I say they will be doing a service to the country, but not otherwise. If they wait for a decision to be obtained on a case growing out of the legislation itself, which must be a year or two at the earliest, the country will in the meantime be kept in a state of doubt and uncertainty about it.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—There is only one reason I have heard hinted why the Government should not pursue this course, and it is one which I do not feel disposed to entertain. I have heard it said that the Government know and have been forcibly assured by their supporters of the value of a piece of legislation of this kind on the eve of a general election. If they succeed in carrying this Bill, it is thought by their party they may go to the country with the merit of having attempted legislation—whether sound or unsound—desired by a large portion of the electorate, and get the benefit of it at the polls. If the law prove unsound, the elections must take place before any decision of the Supreme Court can open the eyes of the temperance people as to the delusion they have been labouring under, respecting the constitutionality of the measure. They will thus reap the reward in a political sense of their services to the temperance cause, although that service may be of a very injurious character.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I have been told that members of the Government informed their temperance friends at the commencement of this Session, when they proposed drafting a measure at the last moment, and after promising such legislation in the Speech from the Throne, they had discovered they had not power to enact such a law as was desired from them, but that it was imperatively considered a matter of policy, looking forward to the elections, to bring down some measure, put it upon the Statute book whether it was within the scope of our authority or not, and get the credit of it before the elections, no matter whether the friends of temperance had their eyes opened afterwards, not only as to its inutility, but as to the mischievousness of such legislation. I do not, myself, endorse that view of the case, or charge the

*Hon. Mr. Miller.*

Government with such duplicity in the absence of better evidence.

Hon. Mr. SCOTT—Hear, Hear.

Hon. Mr. MILLER—I am now willing to do the Government the justice of believing that they were not influenced by such unworthy motives in bringing this measure before the House, but if they are desirous of placing on the Statute books a law which will be of any value to the temperance cause; which will not be a source of endless turmoil and trouble in the country, there is but one course open to them, —to submit this measure to the Supreme Court for their opinion as to its constitutionality, before proceeding any further with it. If they will not do this, there will be good reason to doubt their motives and their sincerity. I do not propose to go into the details of the Bill, many of which are objectionable, and which, I presume, will not go through the House in their present shape, but as those can be disposed of in committee, I shall reserve any observations I have to make on them until the proper time arrives. I again appeal to the Government to consider well the wisdom of pushing this measure further before obtaining the opinion of the Judges of the Supreme Court as to its constitutionality. A few days delay cannot endanger the passage of the Bill during the present Session, but it would be better to wait till next year than place a law on this great subject, of doubtful validity on the Statute book. We may be only taking a new departure in a course of expensive litigation and vexatious turmoil by passing the Bill in its present shape; producing bitter irritation and controversy all over this wide Dominion, and ending, perhaps, in results disastrous to a cause that has so many sincere advocates. I therefore, contend, in justice to all parties, in justice to the opponents as well as the friends of this measure, before proceeding further with it, the Government should obtain the opinion of the Supreme Court on the constitutionality of this Bill.

Hon. Mr. PENNY—I think it is a great mistake to suppose this Bill must be unconstitutional because it interferes with the power of the local legislatures to grant licenses. It seems to me, that the

power given to the local legislatures is not the power, properly, to permit; but the power to prohibit, except on certain conditions, the sale of liquors, the chief condition being the payment of a tax. There is a natural right in all men to sell anything without license, except where the sale of any article is prohibited, and the object of giving the local Legislatures power to issue licenses is to enable them not to grant, but to prohibit—in other words, to impose taxation in that form. I do not agree with what has been said as to the propriety of referring this Bill to the Supreme Court. I believe courts are only intended for settling contentious questions. I know there is a clause in the Supreme Court Act which provides for the submission of bills to the Supreme Court, but I have always thought that was a blot on the Act. I believe it is impossible for a court to do justice to any question submitted to them in that manner. There must be a case for them to consider. I think it was unwise to put that clause in the Bill, and that it would now be equally unwise to use it. Courts of justice are not constituted for giving opinions of that sort and can only give opinions properly on matters of fact, and matters argued before them by counsel for persons interested in the facts. I believe an attempt has been made to use the Supreme Court of the United States for a similar purpose—to obtain an opinion from them on the constitutionality of measures in advance—and I think that they held that they could not do so, and declined to give the decision desired. I do not mean to say they are bound by their constitution, as our Supreme Court perhaps is by our Act, to give opinions on bills referred to them, but they have taken what I believe to be the proper ground upon the question of the propriety of such references. My hon. friend who spoke last, appeared to think if we obtained an opinion from the Supreme Court on this measure it would settle the whole difficulty. I am afraid he would be very much mistaken in that.

Hon. Mr. DICKEY—I think not.

Hon. Mr. PENNY—Well, I will give my reasons for saying so. We may properly imagine that if the Supreme Court declared this Bill constitutional, the inferior courts would give their decisions in

Hon. Mr. Penny.

that sense. Suppose a brewer, for instance, comes into court to try the constitutionality of the Act. He will, it is probable, have the case decided against him. Then he seeks to set this law aside because it is unconstitutional. But where will he carry his appeal? Certainly not to the Supreme Court, for that will have decided in advance, but to England. By one of the clauses of our Supreme Court Act, which I also think was a mistake, we have the possibility of litigation still, notwithstanding the decision in advance of the Supreme Court. I mention this, not because I do not desire to see everything settled as far as possible before the Bill shall become law, but because I think too much importance is attached to the decision in advance, of the Supreme Court. My hon. friend opposite spoke about the elections. I think in a dignified body like this, we hear rather more about elections than is consistent with the dignity we affect; but in any case, I can see nothing to warrant the insinuation in which he indulged. My hon. friend from Sarnia, who has interested himself so much, and worked so energetically and so wisely (from his point of view) to promote the cause of temperance, is quite capable of judging whether it is desirable to have this Bill or not, and I believe he and his friends wish it to become law. He has expressed some desire that in certain particulars it may be altered, and, as he thinks, improved, and he would have been glad to have the opinion of the Supreme Court on it before it became law. I do not say that he is right or wrong; but, at all events, I imagine if he thought the Bill was going to throw all the temperance people in the country into confusion and involve them in expense and litigation, he would be the last to support it.

Hon. Mr. MILLER—He wants a reference.

Hon. Mr. DICKEY—I thought I made my position perfectly clear, when I explained that as far as I was concerned, I was not disposed to offer any opposition to this Bill; all I wanted was to be satisfied of its constitutionality, and I understood that was the position taken by my hon. friend from Sarnia.

Hon. Mr. KAULBACH—I have always been consistent on this matter. I

am willing to assist in remedying any abuse, but yet I do not believe you can make people sober by Act of Parliament, and, even if we could, I look upon this measure as a delusion—a weak, puny, and inefficient effort of the Government to legislate in that direction. It is not such legislation as is asked for by the temperance people, and I doubt the sincerity of this Government, which has heretofore evaded every attempt at legislation on this matter. As far as Nova Scotia is concerned, this hasty and crude effort of legislation is a blow at the temperance organizations of that Province, and will keep the country in a continued scene of turmoil and hot water, with no good results to the friends or cause of temperance. In Nova Scotia, I am pleased to be able to say, there is everywhere, among all classes, not only a growing feeling in favor of temperance, but it exists, not by coercive legislation, but by reasoning and moral suasion. They had previously asked for legislation, but not such an absurd measure as this Bill. The petitions presented here in such numbers in former Sessions, some of which I had the honor to present, asked for the total prohibition of the manufacture and importation of liquors. It is impossible, whilst we look for revenue from this source, and whilst the manufacture and importation of liquors is legalized in the country and by this Government, to attempt by such a puny effort as this to prevent its sale and consumption, and to strike down the merchants engaged in the manufacture and sale, as well as the importers, without proper notice. It is rather an incentive to the use of liquor. The moment you attempt in an imperfect way like this, without the consent of the majority of the electoral vote; by force of law, without the moral support of the people at the back of it, not to regulate and restrain against the excess and abuse, but forcibly to suppress the liquor traffic, you not only increase intemperance, but demoralize the people. My hon. friend from Sarnia, whose sincerity of purpose no man questions, said they had been long lopping off the twigs and branches of the upas tree of intemperance, and he now wants it cut down. Such a measure everybody could understand, but surely, this Bill is not what he has so long been looking for and advocating with such zeal and force that

he has almost convinced people against their will. His own expressions to-day made me feel that it was not such a measure as he, at the head of the large temperance organization of this country, had a right to expect, or, without important amendments, believed should be passed. I am very much of the same opinion as the hon. Senator from Amherst, as regards the constitutionality of this Bill. Under the British North America Act, the Local Legislature may exclusively make laws on certain subjects, including licenses for municipal, local and provincial purposes, and this comes within the scope of that power. I contend, while the Federal Government legalizes the importation and manufacture of liquors, it rests with the Local Legislature to say whether, and in what manner, they shall regulate and restrain and the sale shall be legalized, and it is questionable whether we can take away that power. This question of jurisdiction on which the Secretary of State has not even offered a decided opinion, should have been settled by the Supreme Court before the introduction of the Bill in this House, unless the Government is bent on provoking litigation, and giving employment to the lawyers. Those of them who have given an opinion, here have expressed grave doubts as to the extent of our powers. It will not be denied that we find a conflict of opinion among able lawyers in this House, and that conflict, I fear, will continue in the country. No government should propose a measure of doubtful authority. When the Supreme Court was established, we were told that one of its most important duties would be to settle matters of this kind, in which conflict of authority might arise. It was one of the strongest arguments used for the creation of that Court, that bills of doubtful constitutionality, or bills raising a question as to Local or Federal powers to legislate, before becoming law could be referred to the Judges for their opinion. Session after Session, my hon. friend from Sarnia urged that the Government get the decision of the Judges of the Supreme Court. Yet, it has not been done; but we are asked hurriedly to legislate, just on the eve of a general election, and if improper motives are inferred the Government have themselves to blame. As far as this imperfect Bill is concerned, it appears to me to be one which, as I have said, will throw the

*Hon. Mr. Kaulbach.*

whole country into turmoil and hot water, unless many of its provisions are amended. Fancy prohibition in a county surrounded by other counties where there is no prohibition? Liquor will be used, and to greater excess, and in a manner more discreditable, in that county than in the others; and if not so, the excess would certainly be in the surrounding counties which this Bill does not provide against. The man of means, by travelling a few miles, just by crossing the county lines, can get as much as he wishes, and possibly more than he ought to have, while the poor man whose time is his money, is deprived of what may be a benefit to him, for I believe the temperate and proper use of liquor is beneficial, for which I have the authority of many eminent physicians. When we find people so very extreme, if even sincere, in their temperance notions, we also generally find them frail enough in other respects. I do not believe this Bill deserves the proper respect of the temperance body or of this Senate. It strikes at the vigorous law we have in Nova Scotia; a law which cannot with impunity be evaded, and which is thoroughly carried out, and substitutes despotic power, without public approval to back it up. We all know how petitions can be got up, and how easily thereby public opinion may be misrepresented; how easy it might be to get the signature of 25 per cent of the electors in many counties. Some might easily sign any paper without reading, or having it read, and the only enquiry made, whether signing it will cost them anything. In that way a whole county can be set in an uproar, and year after year, if this Bill becomes law, this trouble, cost and turmoil may be continued. It seems to me the Government anticipate this, because they make provisions in the Bill against the carrying of firearms and the wearing of badges and party colors. In Lunenburg every total abstinence is proud constantly to wear the little blue ribbon, but under this law they must, not only for eight days take off their colors and tear this little blue ribbon from their breasts, but dare not give even a temperance friend and elector, a glass of cold water. I believe this sort of legislation is a mistake. It seems absurd in the face of it. Go down to the State of Maine and see how it works. In Bangor it is a farce, and has only a demoralizing ten-

Hon. Mr. Kaulbach.

dency. The moment you pass a law which cannot be carried out, and which has not the moral backing of the people, you are only inflicting an injury on the country. My hon. friend from Amherst showed us to-day, from unquestionable authority by the statistics of the United Kingdom, that during the last 20 years pauperism and crime have decreased in England and Wales, and I shall show that, during the same time and in the same places, the consumption of liquor has increased. I have read the report of the Select Committee of the House of Lords on Temperance, that the increased use does not necessarily cause abuse. Among the witnesses examined before the committee was the well-known Professor Leone Levi, F.S.S., who, last year, gave the following evidence as to the general condition of the people as affected by intemperance, and respecting the possible working of a permissive bill. I shall not weary this House with long extracts, but hon. gentlemen can read the report, which is very long and full of interesting information on this subject. Among other things, he says:—

“ I have made some calculation of the relation of intemperance to consumption. Comparing 1856 with 1875, and taking the quantities of British, foreign, and colonial spirits, and malt and wine respectively, I find that, in England and Wales, there was an increase in the consumption per head of 37 per cent. upon the consumption of spirits, taking British, foreign and colonial together; of 15 per cent. in the consumption of malt, and of 88 per cent. in the consumption of wine.”

My hon. friend from Amherst showed conclusively, from the report of the British Board of Trade statistics for 1877, that there was an increase of about 50 per cent. in England and Wales in the use of liquor. If he did not show that, the above quotation does show it. But this he did show; that paupers in England and Wales in 1862 numbered 946,166, whilst in 1877 there were only 728,350—being a reduction of about 220,000; and further, that in 1862, there were 20,000 convictions for crimes, whilst in 1876 there were only 16,078—showing a reduction of about 4,000. Thus, the facts show that, whilst there was the large increase of consumption of liquors, pauperism and crime decreased; and that, notwithstanding the large increase of population. My hon. friends may draw what deductions they please from these facts, but this is clearly shown that, whilst pauperism and

crime are largely on the decrease, the consumption of liquor has increased. I will now read from the report of the British Consul in Maine, an extract which will give an idea of how the prohibitory liquor law works in that State. The report is dated 1877, and contains the following opinion of that Consul, in 1873. He says the law is evaded, and is utterly fallacious and powerless:—

“That a long residence of nearly fourteen years in this State, has given me unusual opportunity for studying this question, and I have no hesitation in reaffirming that, with the exception of some isolated villages, the Maine prohibition law has been a failure in the larger towns and cities; that the actual good it may have produced has been more than counterbalanced by the hypocrisy and consequent demoralization of a very large class, who, though nominally and politically prohibitionists, are not consistent in their own conduct, and of which I have daily proofs.”

I have shown some of the absurdities of this Bill—there are many others. A sick man, or any man before he can get liquor for medicine, must employ a doctor, and then he cannot be ordered less than a pint at a time. The doctor cannot furnish that medicine from his shelf, and if there is no drug shop within reach, the poor fellow must suffer and possibly die for want of the medicine, which is well-known in many cases of sickness or accident, requires quickly to be used. I make these objections, so that, if possible, my friend from Sarnia, who will likely take charge of the Bill, may advise the amendments, and if properly amended, I have no doubt many hon. gentlemen on this side of the House, will yield up their own opinions, and allow this experiment, in which I have little faith, to be made. The Government must already see that it largely rests with the Opposition, whether this Bill shall carry. It is a measure which, I think, will be divested of all party feeling, in its discussion. I have endeavored to show the great difference between temperance and total abstinence, and that abstinence by compulsion was not reasonable, but injurious to the cause of temperance. I have shown that drunkenness in England had not increased with the increase of population, or the increased use of liquors as a beverage, but, on the contrary, that with the increased use, crime and pauperism had decreased. Of course I do not say that the increased consump-

*Hon. Mr. Kaulbach.*

tion had the effect of keeping men sober; but I place the facts plainly before my hon friend from Sarnia, who will see that the figures and authority I have given, do not accord with his premises. I have shown that moral suasion, through the active work of the temperance body in Nova Scotia, did more for temperance in six months, than the work of legislation for many years; and I yet believe only in moral suasion doing the work, and that legislation when it attempts to go farther than regulate and restrain against excess, does infinitely more harm than good. It is very strange that this Bill should come before us now for discussion in such a crude condition at the last stage of the Session, and with the pretence that it is a measure in the direction which the temperance bodies of this country ask for. If I stood in the same position as my hon friend from Sarnia, with the same promptings, advocating prohibition, and nothing but prohibition, it is the last bill I should take from the Government. Time will tell whether my views are right, and they are honestly intended in the interest of the cause of temperance.

Hon. Mr. ALLAN—I do not propose to help the Government in the elections, but I do propose to assist them with this Bill, though I hope when it leaves this House it will be in better shape than it is at present. When I say I will support this Bill I do so from a different standpoint from my hon. friend from Sarnia. I am not a teetotaler myself, nor do I believe in total abstinence, or in endeavoring to enforce it as a positive moral and religious duty on others. Indeed, I venture to say the cause of true temperance has suffered not a little from the intolerance of its advocates on that point. I think the assertion they make, that entire abstinence from intoxicating liquors is the positive duty of a Christian, has done great harm. Many of our temperance friends too, have, I think, injured the cause very often, by standing aloof, and not heartily assisting to carry out practical measures such as the laws respecting licenses, and the regulation of taverns, saloons, and other places where liquor is sold, on the principle that it would be merely temporizing with the evil, and therefore they could not conscientiously countenance what they considered half measures. I do intend to give my

humble support to any measure which may, by any possibility, decrease the terrible evils, the crime and misery which intemperance and strong drink have brought on so very many of the population of this country.

Hon. Gentlemen—Hear, Hear.

Hon. Mr. ALLAN—Though I do not consider the Bill, in its present shape, a perfect one, and though I consider the results of the measure, if carried, as likely to be very doubtful in some parts of the country, especially in large cities, still I should be very unwilling to throw obstacles in the way of the passage of the Bill, and, if it is properly amended, I am willing it should have a fair trial.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. ALLAN—I think the hon. Secretary of State has pointed out one of the strongest grounds for supporting a bill of this kind, when he says one of the great advantages which the adoption of this measure would confer, would be the removal of temptation from a very large number who, but for temptation being placed in their way, would remain to the end of their days perfectly sober, temperate persons. There is no doubt, the multiplication, in all our cities and towns and villages, of places where strong drink can be obtained, is the cause of many evils. There are many men who would be temperate but for the temptations by which they are everywhere beset, and from which they can hardly escape; presenting themselves, as they probably do, at almost every turn in the place in which they reside. If this Bill will do away with some of these evils, and will, more particularly in rural municipalities, prevent the multiplication of places where strong drink can be sold, something will be achieved by its passage. At the same time, I quite agree with what has been said by several gentlemen who have spoken before me, with reference to the doubt as to the power of this Legislature to pass a Bill of this kind. Therefore I should be glad to see some such reference made before it passes its final stage, as has been suggested, not only on the ground that it would be very desirable so far as the temperance cause is concerned, to avoid all uncertainty as to the legality of the measure, but also that we should carefully avoid placing this Parlia-

Hon. Mr. Aikins.

ment in the position of enacting laws, which, after all, may be decided to be *ultra vires*, and not within the scope of the Dominion Parliament. It would be unfortunate if we should deliberately pass an Act like this, which would afterwards be found beyond our powers. I think it would be far better in every way that we should endeavor to ascertain whether that is the case or not before the Bill passes its third reading, or is assented to by the Governor-General. It seems to me the reference can be made very conveniently, and without imperilling its passage in this House, or in the other branch of the Legislature during this Session.

Hon. Mr. AIKINS—I am very much pleased, as a temperance man, to find the Government have introduced a measure of this kind, and if there is anything to be regretted at all, it is that it was not introduced two Sessions ago. It will be in the remembrance of hon. gentlemen that petitions were presented to this House and the other Chamber, very largely signed, three Sessions ago, and that a Committee was appointed, to which these petitions were referred; that we had a report, and a very strong report, which this House at that time endorsed and adopted, and I think the temperance people have something to complain of in action not having been sooner taken in the direction of this Bill. In the Province of Nova Scotia, where they have such an excellent license law, I can understand they have not the same strong feeling for a temperance measure the people of Ontario have. When the temperance body asked for an option law, a practical one which could be carried out, the answer was that we had the Dunkin Act, and until the temperance people showed by its adoption that the sentiment of the country was favorable to it, no legislation might be expected at the hands of the Government. The temperance people were forced to pronounce upon that Act, which is but a miserable excuse for an option law. In counties where a majority are in its favor, it is, in a measure, inoperative. I say, therefore, that the temperance people have a good cause of complaint against the Government for not having introduced a measure of this kind sooner. It has been very well said here, to-night, that the temperance people will have very grave cause to complain if hereafter it should be discovered that this

Act is unconstitutional in any particular. I was very much surprised to find that the Government were not prepared to announce to the House that they had consulted the Supreme Court, and that the measure was pronounced by that august body constitutional in all its parts. If this Act should be adopted in some counties, and hereafter be found to be *ultra vires*, all the difficulties that have sprung up under the Dankin Act would be more than doubled, and the temperance cause would be manifestly damaged. I quite agree with the hon. gentlemen who have spoken on this subject, with regard to the desirability of getting the opinion of the Supreme Court upon the Bill, even at this stage of the Session. I desire to see this measure passed, yet, strongly as I feel in favor of a temperance act, I would rather wait until next Session than have unconstitutional legislation now. I was very much astonished to hear the hon. Senator from Lunenburg announcing a new theory in this House—that just in proportion as the consumption of liquor increases crime and pauperism diminish. Certainly, if that theory is a correct one, and if the facts sustain it, then the Government have made a great mistake in the introduction of this Bill, and the House would make a great mistake in passing it, for the only way to put a stop to crime and poverty would be to make drinking universal.

Hon. Mr. KAULBACH—I gave my authority for what I said.

Hon. Mr. AIKINS—I suppose the hon. gentleman, in giving the authority, meant to endorse it. At first, I thought the hon. gentleman was strongly favorable to prohibition, because he condemned the Government for not giving prohibition when petitions were presented in favor of it. I supposed he was in favor of that principle, and I was very much surprised to find he was not a temperance man.

Hon. Mr. KAULBACH—I did not mean to say I was not a temperance man. I consider I am the quintessence of temperance, though not a total abstainer.

Hon. Mr. AIKINS—The hon. gentleman likes to take just as much as he wants, and tells us with any amount of gravity that in the State of Maine the law is inoperative. He says he made

*Hon. Mr. Aikins.*

that discovery at Bangor. How did he make that discovery? I would be surprised if any hon. gentleman in this House would admit that he went to the State of Maine and violated the law there.

Hon. Mr. KAULBACH—I mentioned that the information was furnished by the British Consul at Maine. I was referring to his statement.

Hon. Mr. AIKINS—Then, I withdraw what I have said on that point. With reference to the Bill, it contains some most ill-digested provisions, and it shows it has been drawn with a very great amount of haste. It makes provision that a clergyman can only get wine for sacramental purposes, when he furnishes a certificate to a druggist, which is an affirmation that the wine is to be used in that way. That may be all right, so when the doctor makes out a prescription for his patient, if liquor is required there has to be a certificate and an affirmation, but any person may go to a distillery and buy ten gallons of whiskey and no affirmation is required from him. The only condition imposed is, that the person who sells has good reason to believe it is going to be taken out of the limits of the prohibited district. We can imagine how easily the distiller could be satisfied the liquor was to be taken beyond the municipality. Then two districts contiguous to each other may adopt this law. Any one can purchase in either of them and take it in to the other for consumption. For instance, if the law were in force in Ottawa City and Carleton County, liquor could be purchased in the city, not for use within the limits, but it could be used in the county, and in the county it could be purchased for use in the city. These are some of the defects which I have noticed in the measure, and I hope it will be scrutinized very closely. It would be a cruel thing to pass an act of the importance of this, in such a shape that it could not be worked out successfully. It is not considered a party measure in any sense.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. AIKINS—I believe when the vote comes to be taken upon it, there will be as many, perhaps more, opponents as friends of the Government found voting for it. Before it passes this House it will have to be amended in very many particulars, to make it a complete measure.

Hon. Mr. HOWLAN—I have listened with considerable attention to the remarks of hon. gentlemen, but as I have learned the value of legal opinion when it is given for nothing, I have not the same respect for the opinions that have been given as if they had been paid for. This Bill is not a prohibitory measure but a permissive law, the principles of which we have in operation in almost every district of Prince Edward Island where the majority in every school district can prohibit the issuing of licenses for any year, so that I cannot see that it interferes with the existing law on that point. There is no denying the fact that a very large and influential class of the community has petitioned this Parliament, and have advocated through the public press and on the public platform a measure of this kind, and I for one am glad to see that the Government have thought fit to bring in this Bill which has been demanded by such a large portion of the community. I can perfectly understand the difficulties in bringing in legislation of this kind, but when it goes to committee we can make whatever amendments may be deemed necessary to perfect it before it comes before the House for the third reading. I was surprised to hear an hon. gentleman say that the moral suasion of the country is not in favor of this Bill, but if the hon. gentleman will only reflect a little, he will find that even down in Lunenburg this moral suasion exists. There is scarcely a village or town in the Maritime Provinces in which this question has not been advocated by some of the leading minds in every community, and I am surprised that the hon. gentleman should state that the moral suasion of the country is not in favor of it.

Hon. Mr. KAULBACH—They are in favor of moral suasion, but not of a legal enactment bill.

Hon. Mr. HOWLAN—We are merely attempting here to give effect to that moral suasion, by giving to the majority the power to regulate, as far as they are concerned, the sale of intoxicating liquors. I think it will be in the recollection of the hon. gentleman himself, that there has been a community in his own Province who recently took the law into their own hands and spilled every barrel of liquor in the town, and closed every saloon in it. I

Hon. Mr. Howlan.

speak of the town of Yarmouth. Surely, the people who did that, did not engage in such work for the mere fun of it; there must have been a strong feeling of moral suasion prevailing.

Hon. Mr. KAULBACH—No, but coercion.

Hon. Mr. HOWLAN—This Bill is not coercive, but permissive. I will point the hon. gentleman to another town in Nova Scotia, Amherst, where the people took the law into their own hands, and informed all the tavern and saloon keepers of the place, that if they did not close up their establishments at the expiration of their licenses, they would be closed up for them.

Hon. Mr. KAULBACH—My hon. friend would make temperance men outlaws instead of law-abiding citizens.

Hon. Mr. HOWLAN—Another hon. gentleman says it is necessary for man to use intoxicating liquors. The hon. gentleman will find in the report of the Committee of the House of Lords, the evidence of Sir William Gull, Physician to Her Majesty the Queen, who says, so far from intoxicating liquor being necessary to man, it is the contrary. I will quote from his remarks:—

“ I have had ample opportunities of judging for 35 years past; I should say from my experience that alcohol is the most destructive agent that we are aware of in this country. I think there is a great deal of injury being done by the use of alcohol in what is supposed by the consumer to be a most moderate quantity to people who are not in the least intemperate, to people supposed to be fairly well; it spoils the health and spoils the intellect.

Hon. Mr. KAULBACH—I would ask my hon. friend if he had read that quotation from Sir William Gull before he put on the blue ribbon?

Hon. Mr. HOWLAN—I do not think that a gentleman of the high standing of Sir William Gull would have given an opinion of this kind before the House of Lords' Committee, without he had considered it very carefully. But I could give the opinion of another eminent man, nearer home, Dr. William Parker, a well-known professor, in the State of Massachusetts, who, in the State Conference, made remarks of a similar nature. But I will go further, and I will give him the experience of Dr. Blanchard, of his own Province. As to the “causes of insanity,” Dr. Blanchard remarks as follows:—

"From the reports of different hospitals in America and Great Britain, which reach us annually, intemperance would seem to play a leading part; intemperance, not only as regards spirituous liquors, but also as to the mode of living, excess in the indulgence of the various appetites and passions, etc., etc., and this excess is due in many cases to an ignorance of the laws which should govern our lives. The consequences of intemperance, as respects alcoholic liquors, are not, unfortunately, confined to the first sufferers alone. They are entailed upon the children and grandchildren. It is especially true of those who indulge in this vice, that the sins of the fathers are visited upon the children, for it is an established fact that the children of habitual drinkers—I do not say drunkards—are far more liable to fall victims to the various neurotic diseases, such as insanity, epilepsy, chorea, neuralgia, etc., than are the children of total abstainers. As has been observed by some writer, 'The brain cannot be kept for years in a constant, though it may be slight, abnormal condition, without altering its organic character, and rendering it liable to at least functional disturbance, which constitutes insanity. Many of the cases of the softening of the brain and epilepsy result directly from the use of intoxicating drinks. The habitual use of alcohol is felt through more than one generation, and though the father may not become insane, his children will have an additional tendency to insanity, especially if they pursue the same course, as they are likely to, for the habit itself is almost transmissible.'

"A large part of the idiot and imbecile children are born of intemperate parents. If we would have a hardy, intelligent race, alcohol, as a beverage, must be abandoned."

I think that will dispose of the question raised by my hon. friend that it is necessary for man to have some stimulant. I was very much struck, indeed, by the very ingenious manner in which he worked up his argument, to prove from statistics that crime had materially increased in England under a prohibitory system. It is a most extraordinary thing that the British House of Lords should have taken up their time in discussing this question of temperance if they considered its tendency was to increase crime. The same question has also occupied the attention of the statesmen of the neighboring Republic. I contend that it is a farce to attempt to prove before this House, by statistics, that the State of Maine has suffered from the working of the Maine Liquor Law. I am somewhat acquainted with the State of Maine for the last ten years, and I say, of my own knowledge, that crime has materially decreased in that State since that law came into operation. At one time there was a

*Hon. Mr. Howlan,*

great deal of excitement in England over what was called the bread law, and it was proved at that time that while the consumption of liquor decreased, crime decreased in the same ratio. I happened, not long ago, to visit the Kingston Penitentiary, and during the time I stood there watchings on seven hundred convicts fyle past me, I thought to myself I would just like to have the record of the life of each of those men, showing the temptations and inducements that had been thrown in their way, until they had finally been brought to that place. The history of one, at all events, I did learn, through the kindness of the Warden. I can say to my hon. friend opposite that, at one time of his life, that convict occupied as high and distinguished a position as any hon. gentlemen in this House do now, but, maddened with drink one night, he committed an act that placed him in the penitentiary for ten years, and brought his wife and family to disgrace. But, to show the hon. gentleman that a community can do without intoxicating liquors, and that, by its abolition, crime decreases, I will refer him to Garden Island, only a short distance from the Capital, where there has been no liquor sold for many years. A large portion of that community, at certain seasons of the year, are employed at loading vessels, and there has not been a case of conviction for crime amongst that population for twenty years, and there is not a constable on the Island. If the hon. gentleman is right in his conclusions, the great majority of the people of this Dominion must be wrong, as the great question of temperance has been brought home to every village, town and settlement in the country, and there has been a favorable response from every one of them. I am glad that political necessity has given us this Bill. I, for one, shall be pleased to give the Government every assistance in my power to pass it, and put it before the country, and then we shall have an opportunity, at all events, of finding out what is unconstitutional in it. I am somewhat strengthened in my convictions on that particular point, from the fact that the hon. gentleman from Sarnia, who stands at the head of the Temperance Alliance in this Dominion, has agreed with me that it is better to have the Bill passed, and let it go before the country,

than have none at all. I consider that the hon. Secretary of State is entitled to the thanks of the people of this country. He has not only brought forward this Bill, but he has shown, as a practical temperance man himself, that he has faith in the workings of temperance in Canada. The Bill, I think, will be welcomed by a large majority of the temperance men of the country, and its workings, I have no doubt, will prove so beneficial that I would not be at all surprised, when I come back here next Session, to find that the hon. gentleman from Lunenburg has been enrolled, as I am enrolled myself, amongst the temperance men of Canada, and will be standing up here advocating, as I am now doing, the great and noble cause of temperance.

Hon. Mr. McCLELAN—After the able speeches that have been delivered, indicating very distinctly and in a better way than I can, to a very large extent, my own opinions on this question, both as to the necessity and propriety of the introduction of this measure, I can only express my supreme pleasure that the Government have taken this matter in hand, and have brought in so good a Bill. I believe that the temperance men of the country will give them their support on this measure, whatever shade of political opinion they may hold. I am very glad also to hear from the expressions of hon. gentlemen around me, that the discussion of this question is not to be made a political one, and that no obstruction will be given towards the working out of this law. It is well known, as has been very properly remarked by the last speaker, that petitions have been flooding this Parliament for a number of years in favor of a more advanced system of prohibition. That has been followed up by some twenty-five or thirty petitions to this Chamber, very recently, asking that this Bill be allowed to pass. My opinion is, speaking of my own Province, New Brunswick, that the temperance men of all shades of political opinion will concur in the propriety, advisability, and, almost necessity for this very measure. My letters indicate as well as those received by other hon. gentlemen from my Province, that the people of New Brunswick are very much pleased that this step has been taken. We may occupy, perhaps, a somewhat anomalous position with regard to it, because in many of the

Hon. Mr. Howlan.

counties the temperance feeling has been so established by force of public opinion, that it is impossible to grant any license for the sale of liquor. In my own county there have been no licences granted for very many years, but recently—within the last three years—when an attempt was made to fine people who sold without license, the opinion of the Judges was that the law was unconstitutional. Since then we have had an indiscriminate sale of intoxicating liquors without any legal restriction. Therefore, the people have felt the necessity of some steps being taken, as we all know the difficulty of getting a decision from the Supreme Court. Not being a lawyer, I cannot discuss intelligently, the question of jurisdiction, but my opinion is, we should accept this measure as it is, and leave the question of its constitutionality to be decided afterwards, if such question arise, for the necessity for a law of this kind is very great, and the people who advocate temperance—not from any patriotic feeling if the argument of my hon. friend from Lunenburg is of any force—demand it. I scarcely take it that it is necessary to controvert such an argument as that of my hon. friend, that temperance increases crime and pauperism, as the sentiment is not worthy of an hon. gentleman who occupies the position he does. Public opinion throughout the country will favor the introduction of this Bill, and I trust that every hon. gentleman will give it his support.

Hon. Mr. KAULBACH—I must rise to an explanation, as my name has been so often mentioned in this debate, and in consequence of the manner in which hon. gentlemen, not being able to refute my facts and authorities, have endeavored to pervert what I have said. I merely gave those figures in the first place, as quoting the Committee of the House of Lords, showing the large increase in the use of intoxicating liquors. I have shown, from statistics submitted to the same Parliament at the same time, that crime and pauperism had decreased during the same period. These are facts, and no hon. gentleman has attempted squarely to meet them, much less has any of my honorable friends, the prohibitionists, attempted to dispute them. They deal in generalities and not in facts and figures. In the community from which I come, I believe I have been as good a friend to

the temperance organizations there as anyone not belonging to them, but I do not want to deprive those philanthropic gentlemen who are engaged in the temperance cause, of their vocation. I believe the moment they attempt to coerce men by force of law into being temperate, instead of by example, and using moral and religious suasion, they will frustrate their own object. I believe that liquor, like other things created for the use and benefit of man, is a gift of God, and its use violates no law, social or Divine. I regard any man who can look upon evil and avoid it, as being a better man than he who has to be restrained from evil by legislative enactments. I am ready to assist in restraining excess and abuse in this and everything else. I believe there are more men ruined through intemperance in other respects—intemperance in other things, loathsome in their nature, that is more destructive both to the soul and body, than ardent spirits—vices that daily show themselves stamped in posterity. No position is more absurd, no argument more fallacious, than because some few men abuse God's gifts, therefore those gifts should be prohibited from general use. The use would run in the very teeth of it, and as I have already contended, the attempted prohibition would be an incentive to its abuse.

Hon. Mr. REESOR—To discuss the constitutional points of this Bill, would be presumption on my part, when so many professional men have taken part in it. But it did strike me when an hon. gentleman said that a hundred legal questions might arise out of this measure, to be submitted to the Supreme Court for their decision, if it became law, that if such is the case, is it at all likely that all those questions could be anticipated by the judges, if the measure were submitted to them now?

Hon. Mr. MILLER—Of course.

Hon. Mr. REESOR—Without any particular points being raised?

Hon. Mr. MILLER—Yes.

Hon. Mr. REESOR—I venture to say that no such thing could be reasonably expected.

Hon. Mr. MILLER—That is your opinion.

Hon. Mr. Kaulbach.

Hon. Mr. REESOR—I will take the hon. gentleman's own opinion with regard to the constitutionality of the Bill, when he says he thinks only one portion of the Bill would be *ultra vires*, that is the portion repealing the Dunkin Act.

Hon. Mr. MILLER—It does not follow that I am right. There may be a very different opinion as to the whole enacting clause of the Bill.

Hon. Mr. REESOR—Nor does it follow that the hon. gentleman is right that it ought to be referred to the Supreme Court now.

Hon. Mr. CAMPBELL—The hon. gentleman is the only one who is necessarily right.

Hon. Mr. REESOR—For my part I always place a great deal of weight on the hon. gentleman's opinion in matters of law. I have great respect for his opinions on this Bill, and I was very glad when he said there was only one part of the measure *ultra vires*. We have all we want in this Bill even if the Dunkin Act should not be repealed, and if this Act is put in force people need not use the Dunkin Act if this one is preferable. Although the Dunkin Act would still remain on the Statute book, as a law it would be a dead letter, as it has been, and is yet, in nearly all portions of Ontario and Quebec except in a very few counties. Then, as to the desirability of having a measure of this kind made permissive, and to apply only to such municipalities as the people themselves think advisable, it is a most excellent feature of it, and one that is likely to give general satisfaction in all the Provinces. I know that in Ontario there is a very good law, known as the Crook's Act, which the people think has had an excellent effect in this Province, so that it is only in a few parts of Ontario this Act will be put into operation for some years to come. My own view is that it should not be enforced except when the great majority of the people are in favor of it, because when you pass a law taking away a man's liberty to eat and drink anything unless it has the approval of a large majority in the community, the law becomes inoperative.

Hon. Mr. MACFARLANE—I consider, if it be wise that this Act should go into operation, it would also

be wise that the course suggested by my hon. friend should be followed, and it would then come before us in a shape that there would be no chance of its provisions being disputed. I am entirely in favor of anything that will promote temperance. Any measures we can take that will benefit our people and suppress intemperance, it is our duty to initiate; but at the same time this is a very serious responsibility, as we must bear in mind that we are interfering with the revenue of the country, and, I take it, it is a question which the Government, in introducing this measure, have seriously considered. If the two questions are brought into juxtaposition, shall crime be suppressed, or must the revenue fail, I believe the decision should be, crime must be suppressed at all hazards. I am happy to say that in this metropolis of our Dominion, after some weeks that I have been in it, I have not seen a man reeling on the streets, or showing any signs of drunkenness. I am pleased to note this. Possibly it is the result of moral suasion, as there is a surprisingly marked difference between the state of affairs that exists here now, and what prevailed here a few years ago. A person can now traverse the streets any hour of the day or night without meeting drunkenness. There may be haunts of vice in this city, as there are in other places, but wherever you go throughout the Dominion the cause of temperance is increasing, the people are becoming more temperate, and intemperance is being considered as a vice to be avoided. Still, there are a large, influential, and intelligent class of people who will never be satisfied until there is a fair test given to a prohibitory liquor law. I have always been of the opinion that prohibition pure and simple, in this country, is an impossibility. I allude more particularly to the Maritime Provinces, where, it is well known, we are almost surrounded by the sea, with no part of a province more distant from a seaport than eighteen or twenty miles. I believe in such a place, if a prohibitory law were enforced, the inducements that would be offered to import liquor into the Provinces by the great gains that were to be made by it, would encourage a large illicit traffic, and the revenue would lose. If this Bill goes to committee, the provisions of it ought

*Hon. Mr. Macfarlane.*

to be very carefully examined. We must bear in mind—and I think it is the duty of this Legislature not to forget—that outside of the temperance people there is a very large, influential, moral, and religious class, who have the whole of their means invested in the liquor traffic. We have legalized the business, and for purposes of revenue it is looked upon as one of the legitimate sources of traffic in which people are empowered to invest their money and make their living by. Would it be fair to step in of a sudden on this class of the community, after inducing them to go into the business by legalizing it, and crush it out of existence without warning? Something ought to be done, and probably something will be proposed in the direction of indemnifying those people from whom we propose to take away their means of subsistence. The British people, when they desired to abolish slavery within the limits of the British Empire, did not do so by suddenly destroying the property of the people who made a living by slaves. No, they put their hands in their pockets, and paid a legitimate recompense to the people whose property they were taking away; and had our neighbors across the line done the same thing, they could have put down slavery without the horrors of a fearful war that almost ruined the country. In this proposed legislation we should either extend the time so that liquor dealers would be enabled to dispose of their stock on hand, or they should be recompensed in some other way. Even the temperance men, while they do not wish to do anything that would encourage the liquor traffic, would hardly be willing to crush it out unless it were done in such a way that it would not bring ruin on a large portion of the community.

Hon. Mr. WARK—I think the arguments of the Hon. gentleman who last addressed the House refer more to prohibition than to a permissive bill of this kind. Reference has been made to the working of the Maine Liquor Law. I have been passing through that State for ten or twelve years, and very frequently I have had to stop at various hotels in it. During all that time I never saw a glass of liquor sold there, nor did I see a drunken man. It may be that there are places where liquor can be obtained, but respectable men will not

go through back lanes and into low hovels to look for it. It is that class to which my hon. friend from Toronto referred, when he spoke of the great importance of removing temptations out of the way of the lower classes; but the young men of the country who frequent the bars of the fashionable hotels will be equally benefitted by this Bill. With regard to the effect of this Bill upon elections, I regret that such a question has been introduced, but we must bear in mind that the liquor interests work harder in elections than the temperance men generally do. We have only to look at the last election in England, where the liquor interests were actually said to have controlled the elections.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WARK—If the Government expect support for this Bill, they will find that they will have a vigorous opposition as well, and perhaps the opposition will be stronger in the end than the support. I will only say a few words with regard to the amendment which the hon. gentleman from Sarnia proposes. I have made it a rule under the old Administration, as well as under the present one, when the Government have carefully prepared a measure and have devised all the machinery for carrying it out, that the safest way is to leave the entire responsibility with the Government, and interfere with the Bill as little as possible in the way of amendments. I received letters to-day from two very respectable temperance men in New Brunswick, one filling a very high position in that Province, and the other a judge of one of our courts, both expressing themselves as satisfied with the Bill. So am I. With regard to the constitutionality of the measure, as far as the Local Legislatures are concerned, I believe if there is any difficulty in the way, the Local Legislatures will step in at once and remove it, if it is anything that depends upon their legislation. I have no doubt about New Brunswick, because we had a petition from the Legislature there some years ago, asking for a prohibitory liquor law. I am sure the power rests between the Dominion and Provincial Legislatures to remedy this evil, and if there is any defect in this Bill, it will be supplied by local enactments.

Hon. Mr. GIRARD—I cannot let this

*Hon. Mr. Wark.*

occasion pass without expressing my opinion on the Bill which is now before this hon. House. I am glad that such a measure has been submitted by the Government for our consideration. Last year I applied to have the Dunkin Act extended to Manitoba, but I see that this Bill provides uniform legislation for all the Provinces in the regulation of the sale of intoxicating liquors. The Bill may not be perfect and it is for the Government to see that every precaution is taken to make the measure as perfect as possible as it would be a greater damage to the cause it was intended to promote to enact doubtful legislation, than to have no permissive law at all. I am sure when the bill goes to committee, the Government will be ready to tell us plainly whether any portion of it is unconstitutional or not. I think this measure is a step in the right direction and after it is in operation, and its defects are discovered, it can be improved where improvement is deemed advisable. The introduction of this Bill is a concession on the part of the Government and it shows what progress the cause of temperance has made when they have been able to bring sufficient influence to bear on the Government as to procure this legislation. We have been told that wine is a gift of God and it was given for man's use. There are many other things also which are the gifts of God, but against which we are obliged to legislate in the interests of society. Poisons are gifts of God, but every one will admit that the law to prevent the indiscriminate sale of strychnine is a very wise enactment. I do not say there is the same danger from wine, but it is the duty of the Government to protect the weak, and if there is a strong temptation in the way, it is well to give those who are exposed to it all the protection possible. The law punishes the drunkard for crime, but, in many cases, it punishes an innocent man. To be a crime, the act must be committed with intent. Sometimes unfortunate drunkards are guilty of very grave offences, and expiate their crimes on the scaffold. In many such cases the man is not guilty, as the crime was committed without intent while the poor wretch was under the influence of drink. The parties who should be held responsible in such cases are those who issue licenses for the sale of such

dangerous poisons amongst men.

Hon. Mr. REESOR—Hear, hear.

Hon. Mr. GIRARD—I think many of the provisions of this Bill are complicated, and could be made more plain and practical. I think, for instance, we could have done with the system now in force for ascertaining the majority for or against any municipal by-law, without introducing the ballot and a new system of voting. There are many questions of detail which can, no doubt, be improved on a closer examination of the Bill, but the principle of it is sound, and I desire to thank the hon. Secretary of State who has had the courage to submit such a Bill for our consideration as will, I have no doubt, be of very great benefit to the country.

Hon. Mr. CAMPBELL—I fancy there can be no doubt that a majority of this House will be quite willing to join with the Government in enacting any measure likely to result in diminishing intemperance, though there may be differences of opinion as to the best course to be adopted in repressing that evil. But the House will be left in an unfortunate position if the view which the Government take of the power of the Legislature is erroneous. The views which the Government now hold in bringing in this bill are not the views which they held last Session, or the Session before last. I think we may infer from the answers given in this House and elsewhere, with reference to the difficulty of legislating on this subject, that even when this Session began, the view now held by the hon. Secretary of State and the Government, and which the law now before us is predicated upon, was not held by them at that time. Therefore, I think it is putting this House, if there are really doubts as to our power, and will be putting the Legislature, if the Bill becomes law, in a position which Parliament ought not to be placed, and if there is any way of ascertaining safely and surely whether we are right in legislating in the manner in which the Bill contemplates, we ought to resort to it, and have our position established. I desire to speak with every respect of the Government, and of the legal gentlemen in the Government, but I do not think that the Ministry have grown any stronger in legal talent since last Session or the Session before last. On the

Hon. Mr. Girard.

contrary, we know that the Government was very much stronger in legal ability a Session ago than they are at this moment, and we have reason to believe that the views then held by the Government with reference to the powers of the Legislature on this subject are not the views that are held now, and I think the hon. Secretary of State should listen with very considerable attention to the opinions expressed by the hon. gentleman from Arichat, and the hon. gentleman from Amherst as to the powers of Parliament under the British North America Act. I think the opinions they have given on this question are the highest opinions that could be found in this House on the legislation which it is in our power to enact. The gentlemen who are advocating the temperance cause in this House tell us that if it should result in the legislation of this Session being found afterwards to be beyond the power of this Legislature, it will be an injury to the cause of temperance instead of being advantageous to it. That is not the position in which we should be left by the Government, and if there are any means of settling the point satisfactorily, those means should be resorted to at once. I believe the Government have the power to submit this Bill to the Supreme Court, and to have the opinion of the members of that Court upon the right which we have to enact this law. It is an inconvenient plan, I admit, and cannot deny that there are serious objections to it, but, on the whole, I think that opinion should be asked for, not only because of the previous views which were held by this Government last Session, but because of the doubts that have been expressed in other Legislatures—Ontario for instance—by men who stand exceedingly high in the legal profession, and who doubt which Legislature has the power to deal with this subject. I do not think that asking the opinion of the Supreme Court would delay this measure very long. We had the opinion of the Supreme Court with reference to a Bill, two Sessions ago—the Christian Brothers' Bill. The resolution under which that opinion was asked, was sent to the Supreme Court one day, and, I think, the answer came back the next, or, at any rate, within two or three days. Therefore, the House has no reason to believe that immediate attention will not

be given to this Bill, and that any delay, likely to be prejudicial to the passing of the Bill this Session, would ensue. I am of opinion, in view of the previous opinion of the Government, and of the doubts in the minds of professional men in the Dominion; doubts that have been expressed in the Legislatures of the Provinces, and in this House by eminent men in the profession; that the Government would do well to consider the expediency of acting on the suggestion of the hon. gentleman from Amherst, in securing the opinion of the Supreme Court on a measure which may, after all, turn out to be beyond our powers, and which, if enacted, might initiate a series of law suits that would be against the interests of the temperance cause. I have also a great many objections to the provisions of the Bill, which press with unnecessary hardship on those who manufacture and sell intoxicating drinks. Some persons have allowed themselves to think of the men who are engaged in the liquor traffic as vile people who ought not to be allowed to live, although we have men engaged in that business who are as respectable, and, I will add, as much respected, and entitled to as much consideration as the most strict and righteous temperance advocate in the country. We must also remember that there are large sums of money embarked in the manufacture and sale of those drinks. There are merchants in the towns and cities who have all their means invested in this business which this Bill seeks to abolish. The property of those people must inevitably be sacrificed unless some change is made; and, I think, at least some months before this Bill is carried into operation in any district, notice of the fact should be given.

Hon. Mr. SCOTT—A provision is made to that effect.

Hon. Mr. CAMPBELL—It is not clearly put in a direct enacting clause, nor is the time long enough.

Hon. Mr. VIDAL—It gives three months from the date of the proclamation announcing that it has been passed.

Hon. Mr. SCOTT—It could not be brought into operation under three months after it is adopted.

Hon. Mr. CAMPBELL—Three months' notice is not enough, when we consider the large amounts of money that

*Hon. Mr. Campbell.*

are embarked in this pursuit. You say to those engaged in the traffic, that in the course of three months all the property they have got on hand will be, to a certain extent, unsaleable. I think it is unfair, unjust, and an arbitrary proceeding which there is no necessity of resorting to, and ought not to be resorted to. There should be the least possible interference with the liberties of the people. If we take from a man his liberty to sell what he pleases in this way, it is because we believe that other and larger interests make it a necessity that he should be deprived of this liberty, in the interests of the rest of the community; but we ought to deal with it cautiously and carefully, and without unnecessarily injuring him. In taking that course, which, I admit, is expedient under certain circumstances, to deprive a person of his natural liberty, so that he shall not be allowed to do or sell this or that, in the interest of the rest of the community, it should be done with every care, so as to avoid unnecessarily doing harm to him. I do not think that this Bill takes those precautions. There are other features of it which I also object to. I think, if the law is once in operation, the machinery can be started at the suggestion of twenty-five per cent. of the electors. That may or may not be a sufficient number; but that a bare majority of the community should decide the question, on the subsequent submission to these electors, strikes me as unreasonable. Ought there not to be a considerable majority in favor of the law? Shall we say to two thousand people that because one thousand and one wish such a law, it will be obligatory on all, that the liberties of the other thousand, or nine hundred and ninety-nine, shall be interfered with? I doubt very much if it is wise to do so. I think the case should be made out more strongly than that. I think it is very well worthy the consideration of the Government and of this House, whether the majority should not be two-thirds, or some larger number than one half plus one, in order to bring the prohibitory clauses into operation.

Hon. Mr. KAULBACH—The Permissive Bill in England was never less than two-thirds majority.

Hon. Mr. PENNY—It is in the Dun-kin Act.

Hon. Mr. CAMPBELL.—I believe it is a question whether there should not be a larger majority than this Bill provides, when it is proposed to deprive a portion of Her Majesty's subjects of their liberty. I think the hon. gentleman who has charge of the Bill would act wisely if he were to take the suggestion of my hon. friend from Amherst, and seek the opinion of the Supreme Court, before this Bill should be enacted by the House. If the hon. gentleman does not take that course, then it will be for us on this side of the House, to consider if we cannot in some way shape the Bill so as to make it necessary that it shall be done before it goes into operation.

Hon. Mr. MACMASTER.—Being a total abstainer, and having been a witness of the evils resulting from the use of intoxicating liquors, it cannot but be a matter of congratulation for me to see this Bill introduced. I cannot apprehend any of the difficulties which some hon. gentlemen predict with reference to the provisions of the Bill being *ultra vires*. We have passed bills which legal gentlemen connected with the Senate seemed to think were not within the jurisdiction of this House, but we passed them, and they are in operation to-day, and the passing of this Bill would be the most ready way to decide its constitutionality. If finally carried, no doubt a case would be made out against it by parties who are aggrieved at this legislation, and the matter would then be placed in the position to be thoroughly tested. I think we ought not to object to the Bill going through on that account. There are some clauses in the Bill which I have no doubt can be improved in committee, and I hope it will be allowed to pass the second reading.

Hon. Mr. HAYTHORNE.—I wish to offer a few remarks on this Bill. I think it is a subject of congratulation to see the warm interest taken in it by members of this House, as has been proved by the number of gentlemen who have spoken this evening in favor of it. A good deal has been said as to the conduct of the Government in getting the opinion of the Supreme Court on the Bill. I, for one, was in hopes that this question would have been discussed with a total absence of party feeling. It was with some regret that I heard inferences drawn as to the motives

Hon. Mr. Cambell.

of the Government; inferences which I thought might as well be left alone. I can quite understand that gentlemen of the legal profession, whose business it is to take exceptions, may have taken exceptions to the course being pursued with this Bill, but they might also have taken exceptions had another course been pursued. The Bill might have been brought in with the approval of the Supreme Court, and the argument might then have been used, that this House was called on simply to endorse the opinions of the Judges of the Supreme Court, without the right of independent action. I am of opinion that if the advice of the Supreme Court has to be taken, it should be after the opinion of this House is expressed. No doubt it would be well to obtain the opinion of the Supreme Court before the Bill becomes law. I remember two or three Sessions ago, when the hon. member for Sarnia moved a resolution on this temperance question, I happened to follow him in the debate, and I then expressed the extreme reluctance I should feel to give any opposition to a practical statesmanlike measure on the liquor question. I find myself in a position, since this Bill has been introduced, to fulfil my pledge I then gave to the hon. gentleman. I must say that this Bill comes up to my idea as to what is a practical and statesmanlike measure. Its principle I can approve of—it is the permissive principle, and I can give it my support. There are, however, some objections to its details, which occur to me. For example, I regret that the machinery which is to be employed to put this Bill into operation is the same as is used for our elections, and I would rather some other machinery were found. I say this because I consider the frequent recourse to the polls in the rural districts is not attended with good effects to the country. I think the more rarely, within reasonable limits, the electors are called upon to exercise their privileges at the polls, perhaps the better it is for them. In every five years we are aware, that the members of the House of Commons must be elected, and in every four years an election of local members must occur: besides which, we have numerous incidental elections rising out of the vicissitudes of political life, and it sometimes happens that electors become weary of exercising their

franchise, and will not go to the polls except on important occasions. There has been another objection alluded to by some gentlemen who preceded me, to which I think a great deal of weight should be attached. The hon. gentleman from Sarnia spoke of himself as a just man, and I believe he is essentially a just man, and, as a just man, he is bound to give full attention to the objection taken, with regard to the injuries which the introduction of this measure may cause to those who are engaged in the manufacture of malt and spirituous liquors. In the town near which I reside, for instance, there are several prosperous breweries. They are not large in comparison with others in older countries, but a very considerable capital has been invested in them, and they manufacture a good, sound, wholesome article, although there may be a difference of opinion on that point.

Hon. Mr. KAULBACH—Hear, hear.

Hon. Mr. HAYTHORNE — These breweries are carried on in large buildings erected specially for the purpose, and the machinery employed in the business was made especially for it. If this Bill should come into operation in Charlottetown, and in Queen's County, the principal market for those brewers would be seriously interfered with, because a clause of this Bill stipulates that although spirits and malt liquors may be manufactured in a district, they cannot be sold there, if the people adopt this law. The consequence is, that the market which those brewers find in the immediate neighborhood would be destroyed, and a very material injury would be done to those persons who, in good faith, and under the protection of the laws, erected those breweries and carried on their business under license. These are objections which, I hope, before this Bill leaves the Committee of the Whole, will be looked into. I may say, incidentally to this question, I am very glad to see that the temperance cause has made such very great progress. The Blue Ribbon movement has been very successful in the Province from which I come. If this Bill becomes law, it will likely be adopted in one or two counties in Prince Edward Island.

Hon. Mr. TRUDEL—I see with pleasure that the hon. Secretary of State has seen fit to bring in a measure which is

*Hon. Mr. Haythorne.*

calculated to promote the cause of temperance, though, as far as I can judge, it is far from being perfect. Still, it is a step in the right direction, a step that should be encouraged, and if the Bill were defeated at its second reading, it is clear that the cause of temperance would suffer a serious injury. Of course, we cannot expect that this measure will be perfect in its operation at first, but experience will show what amendments are necessary next Session of Parliament. I would have been pleased if the hon. Secretary of State had seen fit to assent to the proposal made to submit the Bill to the Supreme Court for the opinion of the Judges on it. However, if he does not choose to do so before the second reading, I will vote for the second reading as it is, though it seems to be the general desire that the constitutionality of the measure should be tested.

Hon. Mr. SCOTT—I have no reason to complain of the treatment which this Bill has met from the Senate. Hon. gentlemen who have spoken on this subject are agreed that some legislation was necessary, and although some objections have been taken to the Bill, still its general principle has been conceded. Only one or two gentlemen met the Bill at its threshold with opposition and expressed an intention to vote against it, but I believe they represent a small minority in this Senate. The most formidable opposition has come from the gentlemen who believe it is proper to refer this measure to the Supreme Court. I am one of those, however, who would regret that this Senate should abnegate its powers in such a manner that it could not legislate without reference to the Supreme Court, and I do not think provision was made in the Act under which the Court was constituted for referring Bills of a public character for their decision, or it would be mentioned in the 53 section referring to Bills from the Senate and the House of Commons. I do not think we ever contemplated the reference of questions involving the right or prerogative of the Federal Parliament, nor do I believe it is fair to the Supreme Court Judges that questions of this kind should be sent before them without coming up from the lower courts in the ordinary manner, after having been adjudicated upon by the judges below after arguments of council. I am rather confirmed in that view by the observations of the

learned Chief Justice when concurring in the opinion expressed by Justices Strong and Fournier on the Christian Brothers' Bill. He said :

"I doubt if the Legislature by the 53 Section of the Supreme and Exchequer Courts Act intended that the judges should, on the reference of a private Bill to them express their opinion on the constitutional right of the Parliament of Canada to pass the Bill, and for that reason I have not joined in the accompanying opinion."

I think that it is very clear that it was not the opinion of the learned Chief Justice that constitutional questions should be referred. I think it was an opinion that was not very difficult to express ; it was an opinion that was expressed by nearly every professional man in this Chamber, who had given the subject any attention. I know the opinion of the late Minister of Justice was very strong indeed, that it was not proper to refer cases of that kind that did not arise in the lower courts in the ordinary course. Now, with reference to this Bill, and the opinions of the Government when the House first met, if hon. gentlemen will refer to the Speech from the Throne, they will find that it was announced there that a Bill of this kind would be introduced. A few days before the House met, the Supreme Court gave judgment in the case of the Queen *vs.* Severn. While that judgment was not generally satisfactory, the current of public opinion seemed to be that the Local Legislature had not the power to pass a prohibitory liquor law, and it is quite clear, from that decision, that the powers of the Local Legislatures are less than we had previously anticipated. The decision of the Supreme Court, that the Local Legislature could not enact any law that would be a restriction on trade, afforded the clue to the whole subject. My hon. friend put the case very practically when he concurred in the opinion I myself expressed, that the greater necessarily included the less ; that the power to legislate in reference to trade and commerce necessarily gave power over the local traffic ; that so long as that traffic was not declared illicit or illegal, just so long had the Local Legislatures the right to issue licenses ; but the moment a higher power declared it was an illicit traffic, that moment their powers ceased. I do not think my hon. friend who expressed the opinion that the Government

were not in possession of any more information now than they had last Session, is correct in his premises, because the discussion of this case of the Queen *vs.* Severn had taken place, the opinions of the Judges had been given, and although they had not decided the important point that is involved here, still they gave us a sufficient intimation of what their view was to, at all events, satisfy my mind that the opinion of that Court is that the power to restrict rests entirely with the Federal Parliament. It is for these reasons that I think the Bill, in that particular, at all events, will not be found to be *ultra vires*. In drafting this Bill I was not familiar with the operation of the Dunkin Act, and I invoked the assistance of gentlemen who had experience of its workings. I had the pleasure of communications from the Alliance, through their Secretary, and from other prominent temperance men who were kind enough to write and suggest the provisions that would be most applicable. I do not pretend that the details of this Bill are in any sense perfect. It could not be expected that they would be. The whole system adopted here is a new one ; the machinery is entirely different from the Dunkin Act, and it could not be hoped that one would be successful in meeting all the wishes of gentlemen who have devoted much more attention to the subject than I have. I shall only be too happy to receive the suggestions of hon. gentlemen who are anxious to make it as perfect as possible. With reference to the suggestions that this Bill will work, injuriously on those engaged in trade, I need only say that when it goes into operation in any particular district, it simply restricts the sale in that district, but does not prevent the manufacturer or liquor dealer from selling to parties outside the district in which the sale is prohibited. There was no other possible way of meeting the difficulty. It would be too arbitrary to say that the manufacture or sale would be absolutely prohibited, and that large premises should be shut up for years entailing great loss on the owners. Take Windsor for instance, where there is a large distillery that pays to the Government a revenue of nearly a million dollars per annum ; it would be preposterous to say, that that brewery should not have a right to sell in other parts of the Domin-

ion and over the world. It is the same with Gooderham and Worts of Toronto. If the law went into operation there, it would be manifestly unjust to say that they should not manufacture and sell to outside people, because if they did not do so other people would, and the temperance men would not gain anything by restricting them from selling. The whole spirit of the Bill is that when the majority of the people are against the sale of liquor in any municipality there the sale should be prohibited. Beyond that I do not think it is wise to pretend to go.

Hon. Mr. REESOR—Is the manufacture interfered with at all?

Hon. Mr. SCOTT—Not as long as the manufacturer takes the precaution not to sell in the prohibited district. If hon. gentlemen ask more than that, it could not be given in any other way than by closing up the distilleries altogether.

Hon. Mr. DEVER—I think the hon. Secretary of State says a more stringent law than this was in force in New Brunswick. At one time in that province a prohibitory law had been passed. It was enforced only nine months, when the Lieutenant-Governor, finding petitions and protests were flowing in from all quarters against the law, called the Legislature together, dissolved the House, and appealed to the country on the question. The result was, that every man who had a hand in passing that Bill, with the exception, of one, was defeated in his constituency.

The bill was read the second time.

Hon. Mr. VIDAL gave notice that he would move his amendment on the motion to go into Committee, and before the Speaker left the chair.

## MONEY LENDING COMPANIES' BILL.

### BILL DEFEATED.

Hon. Mr. REESOR moved the second reading of Bill (J) "An Act relating to incorporated companies authorized to lend money." He said it was a short bill involving a principle that had been adopted in this House, already in the general Act passed last Session, and also in the amendment made last year to the National In-

*Hon. Mr. Scott.*

vestment Company's Act. As the Bill was only a short one he would read it:—

"Whereas, it is expedient that the following provision of The Canada Joint Stock Companies Act, 1877, should have a more general application; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:—

Notwithstanding anything to the contrary in any Act of the Parliament of Canada, no incorporated company, society, or association, authorized to lend money by the Parliament of Canada shall stipulate for, take, reserve, or exact from any borrower of money from such Company, society, or association, any fine or penalty, in respect of arrears of principal or interest, which shall have the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan."

The effect of this provision being introduced so as to bear upon all loan societies would be simply to make them uniform in that particular. A number of building societies were formed some years ago, and their regulations were found to be so oppressive that money lent at eight or nine per cent. was sometimes brought up to twenty per cent. by the fines and penalties that were imposed where borrowers failed to pay up promptly. In private contracts between individuals no such conditions could be imposed, that in the event of a party failing to make a payment on a day agreed upon, the person holding the note or bond could impose a penalty or exact a higher rate of interest yet; there were institutions that enforced this principle to such an extent that in times of depression, when money was scarce, it was a great hardship to those who were subjected to it. When building societies were first introduced into Ontario it was at a time when the rate of interest allowed by law was only six per cent, and it was thought desirable that some inducement should be held out for money to be brought into this country for investment by increasing the profits of the societies by the imposition of fines and penalties on borrowers who were not punctual in their payments. In this way the societies became so unpopular that they applied to Parliament in some cases to get their names changed, as parties would not borrow from them. The names were changed, but in some instances they did not give up their powers as building societies to impose fines and penalties, but, like other loaning societies, they got increased powers to charge rates of from eight to nine

per cent, or any rates on which the parties might agree. He believed that those companies should not be allowed to retain powers that Parliament refused to allow in the General Act of last Session. Parliament had reserved the right, if found necessary for the private good, to take from incorporated companies powers that were once given to them. The Act declares:—

“Every Act shall be so construed as to reserve to Parliament the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party whenever such repeal, amendment, revocation, restriction or modification is deemed by Parliament to be required for the public good.”

Hon. Mr. HOPE—What about societies incorporated before the passage of that Act?

Hon. Mr. REESOR said this applied to all Acts. Parliament had always retained those powers, and had never given up its right to legislate for the best interests of the country. Hon. gentlemen might or might not be interested in those corporations, as they had a right to be. All he asked was that they would consider fairly and justly what was due to the borrower, as well as the advantages they might retain for themselves. He was satisfied, and, if necessary, could prove before a committee, that very large and oppressive rates had been imposed on people who were so unfortunate as not to be in a position to pay the money when it came due, although the security might be ample—twice or three times the value of the money borrowed. He thought when they imposed twenty per cent. it was time some measure like like this should be adopted.

Hon. Mr. HOPE—Name a society that charges 20 per cent.

Hon. Mr. REESOR said he could name one, but did not feel disposed to do so. He did not assert that all those societies imposed such heavy penalties. He hoped the House would allow the Bill to pass the second reading and go to committee.

Hon. Mr. CAMPBELL hoped the House would not consent to the second reading. The legislation to which the hon. gentleman had pointed referred to companies to be incorporated hereafter, and it would be quite fair for the House

*Hon. Mr. Reesor.*

to impose any conditions they pleased upon companies seeking incorporation in the future, but some of the companies which would be affected by this measure, had been in existence for 25 years. They existed in almost every town in Ontario, and their shareholders were among the most respectable portion of the community. Did any one ever hear of such legislation as this, upon a matter of private property, without any previous examination of facts, to repeal clauses in charters which had been in existence for twenty-five years? He was surprised that any hon. gentleman would propose such a Bill. Look at the course pursued with respect to the banks! When the Government introduced their Banking Act they did not propose to repeal existing bank charters, but enacted, that when they expired, such and such provisions should be enforced. But to say that those companies in which millions had been invested should be deprived of their rights without any inquiry into the matter at all, at the mere suggestion of a private member who could hardly get a seconder, was a proposition which the House could not entertain for a moment.

Hon. Mr. McMASTER entirely concurred in the observations of the hon. gentleman who had just spoken. The hon. Senator who had charge of the Bill had fallen into a very grave error in supposing that those companies charged 20 per cent. Nothing of the kind had occurred. The way the hon. gentleman calculated was this—he added to the eight per cent., charged, the penalty of one per cent. per month, but the fact was, the one per cent. per month included the eight per cent., and was therefore only four per cent. in excess of the ordinary rate, which frequently saved law expenses, and had the effect of making it an object to pay promptly. Those companies had borrowed money on debentures to a very large extent in England, and some in Canada. To attempt to deprive them of what might be regarded as vested rights, and lower the value of the security that the debenture holders had, would be an unjustifiable course of procedure. He would, therefore, oppose the second reading of the Bill.

The motion was lost on a division.

The House adjourned at 11.30 p.m.

## THE SENATE.

Friday, March 29th.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

## THE PUBLIC EXPENDITURE OF THE DOMINION.

THE DEBATE CONCLUDED.

Hon. Mr. WILMOT resumed the adjourned debate on the hon. Mr. Macpherson's inquiry :—

“ That he will call attention to the public expenditure of the Dominion, especially that portion of it which is largely within the control of the Administration, and will enquire of the Government how it is proposed to restore the equilibrium between income and expenditure.”

He said :—This matter has received a very considerable amount of discussion already, and the ground is pretty well covered. I fear I cannot add much that is new to the subject, which I consider one of great importance. I will say a few words, in the first instance, in regard to the desirability of discussing a subject of this importance, in this House, as remarks have been made, particularly by my hon. friend from Lambton, who is not in his seat, that it was not the place to discuss a financial question like this. We are here not only as the Senate of Canada, similar in certain respects to the House of Lords, but we are here also as territorial representatives.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WILMOT—We represent particular Provinces and matters connected with those Provinces, we have a right to discuss, and beyond that, if I read the Act of Parliament correctly, defining the powers of the Senate, it gives the Senate the peculiar rights of the House of Commons, except the initiation of money grants, and while I am a member of this House, I shall adhere to them until it is made clear and distinct, we do not possess them. We certainly represent the people to a certain extent, and I think it is a matter of importance to this body that it should so act as to maintain the confidence of the country. We were

Hon. Mr. Wilmot.

described by a gentleman who was afterwards a Minister of the crown, though not a Minister now, as “ an effete body,” and described by another gentleman who is now a Minister of the crown in language which I will not repeat here. I feel that the country and this House are indebted to the mover of this resolution for the great amount of care, time and trouble he has taken in collating the Public Accounts. I do not look upon it as a political movement in any sense, but as bringing before the public in a clear and distinct tabulated form, taken from the accounts rendered by the Government, a comparative statement as to the state of the expenditure in each year from 1872-3 to 1877. If these things tell against the Government of the day my hon. friend is not to blame for that. I cannot be put down as taking any particular part one way or the other. I have endeavored to exercise my judgment on all matters brought before the House, whether by this Government or their predecessors and come to a just conclusion upon them. When matters connected with the financial and fiscal affairs of the Dominion were introduced by the late Government, I think I invariably gave them my support. They were measures that commended themselves to my judgment as in the interest of the country. The first financial measure brought in by this Government was, in my opinion, a retrograde movement. It restricted the right of giving to the people their own legal tender notes. I may say, so far as the fiscal management of the present Government is concerned, I differ *in toto* from the opinions expressed by the Finance Minister in his financial statement made in another place. My hon. friend from Prince Edward Island, thought we had travelled out of the record in referring to matters that had occurred elsewhere when he himself referred to the speech delivered by the Finance Minister. I do not know that what is done in the House of Commons is a precedent for us, but I will just refer him to the same speech. In his remarks on moving that the House go into Committee of Supply, he refers to the picnic speeches made by Sir John Macdonald, in these words :—

“ Now, without desiring to stir up unnecessary controversy, I think it is as well the House should understand clearly and distinctly what that issue is, and how violently our policy and

that of the hon. gentlemen opposite is contrasted in this matter. I find Sir that the hon. leader of the opposition a few months ago in discanting upon this question made use of the following words, 'Gentlemen you know that Canada from East to West lies within the same degree of latitude and does not produce a great variety of crops. From the Atlantic to the Pacific the country is subject to the same climatic influences, but the United States extending from the Lakes to the Gulf of Mexico possesses a variety of climate. In Canada however, if by an unfavourable season the crops are scanty, we are without such resources, and the farmers of the United States pour in their produce upon us, and we are defenceless.' We allow you to send the products of your country into our markets, let us have the same privilege, and send ours to your own. The Finance Minister says 'that is the policy of the opposition' which has been endorsed by at least any rate by the Ontario representatives of that party. Their programme reads as follows: 1st. We are satisfied that the welfare of Canada requires the adoption of a National Policy, which by a judicious readjustment of the tariff will benefit and foster the agricultural, the mining and the manufacturing interests of the Dominion. 2nd. But no such readjustment will be satisfactory to the interests affected or to the country if adopted as a provisional measure only, to meet a temporary exigency, or to supply a temporary deficit, nor unless it is carried out as a National Policy and not until reciprocal trade is carried out by our neighbors. 3rd. Canada should move in the direction of a reciprocity of tariffs so far as her various interests may demand."

The Finance Minister proceeds:

"Now my object at present is neither to comment on this remarkable speech, nor on these remarkable resolutions but to draw your attention to the fact, that they involve an absolute contradiction of the policy laid down by this Government."

If the Finance Minister can refer to picnic speeches, made in travelling through the country, I think we may be pardoned if we refer also to matters of that sort in the Senate. I am prepared to stand by the opinions expressed in that picnic speech and in those resolutions; and I believe, and always have expressed the opinion since I first took a seat in this House, that such a policy will give the people of this country the best means of rising from their present depression, and

developing the vast resources of this Dominion, and bring about the equilibrium between income and expenditure. The hon. Secretary of State asked, "What can the Government do?" He said the legislation of this Dominion cannot interfere with foreign countries, that is entirely beyond our reach. Admitting that—though I do not admit it to the full extent—if the previous or present Government had carried out the recommendation of the Commission sent to the West Indies, Brazil, and other countries, to open up a reciprocal trade between them and Canada, anyone can see, by reading that report, that we could readily export a large quantity of the products and manufactures of this Dominion to those countries quite as cheaply and well as the United States do. We could have had those markets if we were prepared to legislate in such a way as to give them similar advantages in Canada. But what is the state of our tariff now? Upon the products of those countries is imposed duties ranging from 40 to 50 per cent. That may be looked upon as a startling statement, and they are imposed upon the products of tropical countries, which we cannot produce at home, but for which we might exchange many of our own products under a wise fiscal policy. Those duties are as much direct taxes as if the tax-gatherer called from door to door. I would rather impose a larger duty on cloths, silks and cotton goods, than upon tea, sugar, and molasses. I shall not go into figures generally; they have been discussed sufficiently already, but I will just refer to my own Province and give you the returns since Confederation, of the revenue, and the cost of collecting it in New Brunswick. I find in the Journals of the House of Assembly for 1867 the amount of goods imported into New Brunswick in 1866, paying customs duties amounting to \$10,704,000; and I have made up a statement of the imports of 1872 and subsequent years:—

Year.	Imports.	Revenue Collected.	Cost of Collection.
1866.....	\$10,033,609	\$1,033,609	\$28,006
1872.....		1,222,838	64,109
1873.....		1,246,238	73,353
1874.....		1,400,007	86,908
1875.....		1,371,045	94,716
1876.....		1,043,915	93,457
1877.....	6,926,896	1,091,018	96,171

Last year the imports had fallen to \$6,926,826, being almost \$3,000,000 less than they were in 1866, the year prior to Confederation, and the revenue was little more than it was in that year, although the duties were largely increased, and the cost of collecting it had run up from \$28,000 to \$96,000. Prior to Confederation we had no Excise Department. The Excise duties were collected by the Customs officers. Last year the revenue from Excise in New Brunswick was \$251,428, and the cost of collection was \$8,927, so that in reality the cost of collecting the revenue in New Brunswick has run up from \$28,000 to more than \$106,000.

There has been a steady increase in expenditure since Confederation, and more particularly so since the present Government came into power. I must say it is possible that the same increase will apply to other Departments as well as to the Customs, but I have not looked into them. I do not wish to be the apologist of the previous Government, but it makes a wonderful difference when year after there is a surplus revenue, as it then was, or an annual deficit, as it now is. We know in 1867 there was a strong disposition on the part of the Senate to reduce expenses. I must say I opposed the mode adopted as I thought it was inconsiderate that the old officers who had been a long time connected with the Public Service should have their salaries cut down, but that the reduction ought to take place as the positions became vacant through death, or otherwise. In the meantime, the days of prosperity came; the cost of living was increased; there was a surplus revenue coming in, and there was a disposition to put the officials back to where they were before the reduction took place. While opposed to extravagance and waste,

*Hon. Mr. Wilmot.*

I do not believe in parsimony, or cheese-paring, or candle-end savings. I want to give people what they are fairly entitled to for their services, but I am opposed to the extravagance of creating offices, simply for the purpose of giving patronage. With regard to the Weights and Measures Act, it appeared to me it was put in force more because the Government wanted to bestow patronage than from any desire the country expressed to have it.

Hon. Mr. DEVER—The Excise Department might be done away with altogether.

Hon. Mr. WILMOT—I don't think so. We have no distilleries in New Brunswick, and no very great number of breweries, but in Ontario and Quebec, liquors are manufactured to a large extent.

Hon. Mr. DEVER—In New Brunswick we collected the same duties, before Confederation, without excise.

Hon. Mr. WILMOT—I stated that. With regard to the increase of our debt, I have expressed my opinion upon that subject repeatedly. While this country has great resources which are capable of great development, under wise statesmanship, I do not like this large increase of debt, being principally for money borrowed from abroad, the interest for which goes out of the country. Under the present fiscal management we must come to a standstill, for we cannot keep on borrowing money for unproductive works without causing embarrassment. A great portion of our debt, as a matter of course, is caused by the construction of the Pacific Railway. I should like to use the gold of the Pacific Province to sustain our circulation, and give in exchange for it our Dominion notes. I

have heard complaints from British Columbia representatives of the scarcity of Dominion notes in that province. I assert that the realized and invested capital of this country is sufficient of itself to maintain four times as many Dominion legal tender notes as are now in circulation. They are of equal value from Prince Edward Island to British Columbia, and they answer all the purposes necessary to exchange the values produced by the productive labor of the country. With regard to the construction of the Pacific Railway, I perfectly recollect what the opinions of the hon. Senator from Saugeen were when the matter first came before the Senate. He said :

“ If the railways of the United States are built up to the boundaries of the North-West Territories, as they will be very soon, why not avail ourselves of the facilities they will afford, proceed westward, and open up the North-West, and leave the costly portions of the line to be built in the future when our circumstances will permit.”

I had the honor of seconding, two sessions afterwards (in 1873 I think it was) the resolutions brought forward by the hon. Senator from Saugeen relative to the Pacific Railway, and he expressed those opinions throughout, and has always recommended prudence in regard to the mode of constructing it. We were told when the present Government came into power, that the work was to be carried on in the most economical way, that the water-stretches were to be utilized. Where are they now? They seem to have gone off in mist. We know a very large amount of money has been expended in that very country where my hon. friend suggested the construction of the road should not be undertaken (viz., on the north side of Lake Superior) until the finances of the country were in such a state as to warrant the expenditure. There was no pressing necessity for it, but the work was pushed on, and we have added very largely to our debt in consequence without any possible practical result. My hon. friend the Secretary of State has announced that the Government cannot interfere with foreign trade—that they cannot legislate for foreign countries and that they must wait Micawber-like for something to turn up. He declares they cannot do anything to encourage the domestic manufactures of the Dominion, but that we must allow the Americans to supply

Hon. Mr. Wilmot.

us with \$51,000,000 worth of goods, three-fourths of which, I believe, we could produce and manufacture for ourselves, and that we must either find some other means of employing our people or send them away. The returns show that immigration is falling off, while a very large number of our productive laborers are going to the United States to produce articles for us that we should manufacture for ourselves. Yet the Government say they can do nothing. Under such circumstances I cannot be a supporter of a Government that actually acknowledge before the whole country they have got to drift along until something turns up.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WILMOT—It is time something did turn up and turn over.

Hon. Mr. RYAN—And turn out.

Hon. Mr. WILMOT—I am very much inclined to think that hundreds and thousands who thought as I did five years ago, will think as I do now, when the elections take place. I shall just read from an article in the *Contemporary Review* by J. H. Farrar, in which he makes the following pertinent remark, with regard to the state of agriculture in Great Britain, under a policy of free imports :

“ From the best procurable statistics it would appear that the production of meat and dairy produce at home have been stationary for twenty-five years, but the foreign supply has increased four-fold in quantity, and fifty per cent in value. Last year it reached £35,000,000, sterling. The consumption of wheat, per head of the population, is now 341 lbs ; of this 183 lbs. is foreign. In 1872, the supply from Canada and the United States fell off by one half, but France and Russia filled the void.”

I will now read from an article in *Fraser's Magazine*, by Jeffries, something as to French agriculture. He says :—

“ It has been estimated that the annual value of French agricultural products has increased in value, in the last twenty-five years £100,000,000, or \$500,000,000.”

What a contrast in the two countries ! France has had the advantage of a full circulation of legal tender notes, issued solely by the Bank of France, the Governor and the Deputy Governor of which are appointed by the Government, and it is under its surveillance and control. France has never adopted the free im-

port system. The treaty with England is about to expire, and is not to be renewed. A free import system is not one which a young county like Canada should adopt. I can only hope that something may turn up in some way by which the people of this country will understand their interests far better, than to support the financial and fiscal policy of the present Government.

Hon. Mr. PENNY—I had no intention of speaking in this debate, because it seemed to be a matter of figures which the hon. gentleman who made the enquiry, and the hon. Secretary of State had tolerably exhausted, apart from other speakers who have given us a good deal of light on the subject; but the hon. gentleman who has just addressed the House has thrown what may be called side-lights on the question, and introduced matters of a different nature from those brought up by the subject of the enquiry. Among other things, he has diverged into the question of trade, and told us that he entirely approved of the policy of the late Government, and entirely disapproved of the policy of the present Administration as announced by the Finance Minister in the other House. I believe the hon. gentleman was in Parliament in 1868, and I should like him to tell us how he can reconcile the principles he has announced this afternoon with the expressions of satisfaction he has given us with the policy of the late Government in that particular, in that year. What he evidently aims at now is protection, amongst others, for the farmers. I have got in my hands a report of something that was said by the hon. leader of the Opposition in the other House, who was at that time leader of the Government, on the subject of duties on agricultural produce, and it may throw some light on past, if not on future history. There were duties on agricultural products at that time, and the Government took them off. Sir John Macdonald remarked "That the flour tax had been imposed as an assertion of the independence of the country against American exclusive legislation." It was, therefore, never thought that it could do anybody any pecuniary good. It was at most a demonstration. Perhaps that was a good thing in its way; but it turned out there were countervailing disadvantages which in-

*Hon. Mr. Wilmet.*

duced the Ministry to take off these duties. They were thus stated:—

"It had been found to work oppressively on certain sections of the country, and was now repealed as a step in the right direction."

This, then, was the agricultural policy of the late Government, of which my hon. friend approved then, and he will see that it was precisely the reverse of what he advocates now. To show that this was the view not only of Sir John Macdonald, but of other gentlemen of his party, I will quote the remarks of Hon. Mr. Pope, a gentleman who supported Sir John then, and was lately the seconder of the hon. gentleman's motion, intended to set out the virtues of protection. Mr. Gibbs had contended for the retention of the duties. Mr. Pope said, "His hon. friend, while avowing broad principles, had spoken like a sectional representative." His view was that which precisely suited the local interests of Western Canada, while the people of the Eastern Townships, whom he (Mr. Pope) represented, felt that, on this question, their interests were the same as those of Nova Scotia. He continued maintaining the inadvisability of attempting to subserve particular and local interests on protective principles, prejudicial to the general welfare. My hon. friend has alluded again to what he calls the West India trade, and has spoken of the admirable policy of the late Government.

Hon. Mr. WILMOT—They did nothing.

Hon. Mr. PENNY—I will show the hon. gentleman that they did something. I am rather pleased to have an opportunity of paying my tribute of praise to the late Government in this matter, because my hon. friend from Lunenburg has frequently alluded to this subject, and it is quite obvious to my mind that he, like others, sometimes forgets the past history of the country. This is what the late Government did about the sugar duties, while Sir John Rose was Minister of Finance. I quote from his speech, and it will be seen that he did not do nothing, as my hon. friend behind me asserts, but he reduced the protection previously existing. This is what he said:—

"They had taken into consideration the depression of the Nova Scotia coal trade and other branches of industry: but they had also looked upon the probable effect of any

"special protection to those interests as calculated to defeat the prospect of the renewal of a reciprocity treaty."

I would call the hon. gentleman's attention to the fact that there was a depression in the coal trade at that time, as now, and to the manner in which the Government dealt with it. Now let us see about sugar. "The revision of the sugar duties was made with the special view of stimulating the West India trade." Hon. gentlemen now say it killed that trade; but if so, it was Sir John Macdonald's Government that did it. "The two great motives that had influenced the Government had been the interests of the revenue and the interests of the consumer." I want hon. gentlemen to notice that he cared nothing for the refiner. "Between these two was the intermediate interests of the refiners and the importers which had given all the trouble; but he was bound to consider them as secondary to that of the revenue and the consumer, keeping in view the great though subordinate interest for the encouragement of direct trade with the West Indies."

Hon. Mr. KAULBACH—Since that time the policy of the United States with regard to sugar has been changed.

Hon. Mr. PENNY—Sir John Rose thought the reduction of the duties was a good thing for the people. He states distinctly that he does not care for the manufacturer at all, but for the revenue and the consumer. Now, no alteration in the sugar duties has taken place since that.

Hon. Mr. KAULBACH—I am very glad to see the hon. gentleman has respect for the opinions of statesmen who have ceased to take part in the politics of the country.

Hon. Mr. PENNY—I always had respect for them when they advocated these views, and I am only sorry to see that some of them have changed their principles because they are out of office. With respect to the Weights and Measures Act, to which my hon. friend from Sunbury has alluded, I cannot say I am very much in love with it, and I dare say it has given some dissatisfaction. On the other hand, people who regard this matter from a scientific point of view believe it is necessary that such a law should be en-

Hon. Mr. Penny.

forced for the sake of uniformity, and to prevent traders from cheating their customers by fraudulent measures. At all events, the late Government passed the Bill. But it is said, they did not put it in operation. Is anyone, however, to tell us, that the late Government were willing to stultify Parliament by asking them to pass an act which it was not intended they should put in operation? I cannot believe they seriously thought of passing an act unless they supposed it was necessary.

Hon. Mr. CAMPBELL—To be put in operation at the proper time.

Hon. Mr. PENNY—I suppose such measures are not passed until circumstances required them.

Hon. Mr. CAMPBELL—If we found a falling revenue we would not have put the Act in force.

Hon. Mr. PENNY—The revenue did not fall until the year afterwards. With regard to the Excise Department, I suppose my hon. friend from Sunbury admits that it was in existence long before this Government came into existence.

Hon. Mr. WILMOT—I admit that. I was only comparing the cost of collecting the revenue in New Brunswick since Confederation with the cost in 1866.

Hon. Mr. PENNY—I quite understand; he admits the expense was increased by the late Government, and he comes to the conclusion, therefore, that he cannot support the present Administration. Amongst other things my hon. friend thinks it would be a very brilliant policy of this Government to find employment for everybody. Now, there was a Government which once attempted to carry out such a policy—the Communist Government that succeeded Louis Philippe. They established the *Ateliers Nationaux*, and we all know what became of that.

Hon. Mr. WILMOT—The hon. gentleman should not draw the inference from what I said that I am in favor of Communism. I contend that the Government should adopt such a policy as will encourage industries that will give employment to our people.

Hon. Mr. PENNY—We will not quarrel about names. As soon as he

begins to undertake to find employment for the people, he comes very near, indeed, to Communism.

Hon. Mr. CAMPBELL—Nobody suggested anything of the kind.

Hon. Mr. PENNY—I think when it is urged that the Government should find employment for the people, it is Communism. That is the leading idea of the Communists, and it was on that idea that the *ateliers nationaux* were logically set up.

Hon. Mr. KAULBACH—Will the hon. gentleman say when the Government hold out inducements for immigrants to come here, they should not see there is employment for them?

Hon. Mr. PENNY—The Government simply seeks to get people to do the work; that is quite a different thing from pledging itself to find work for the people.

Hon. Mr. READ—Does the hon. gentleman think it is not the duty of the Government to furnish employment for its people by wise legislation?

Hon. Mr. PENNY—No. I think it is the duty of the Government to protect every man from fraud and violence in the free exercise of the faculties God has given him; and let him get his own living in his own way. "Root hog, or die" is my policy.

Hon. Mr. McLELAN—You would provide him the pasture to root in?

Hon. Mr. PENNY—I would provide nothing. If he does not like the country he can go somewhere else. There are but two principles to choose between—either to let the people find their own work, or adopt a policy which at last leads to the establishment of the *ateliers nationaux*.

Hon. Mr. READ—I think you are a good exponent of the Government.

Hon. Mr. PENNY—The hon. gentleman does me much honor, but I may say I am just now also an exponent of the Government that preceded this. The hon. Senator from Sunbury read extracts from two articles, which he seemed to think supported his view that things were going to the bad in England as fast as they could, while in France, his favorite country, everything was prosperous. I believe that in France, affairs are very promising, its people are very thrifty. They

*Hon. Mr. Penny.*

make money, and they save their money; but when the hon. gentleman tells us what an enormous quantity of provisions England imported in consequence of her free trade policy, I would like to ask him what the people would have done if they had not been able to procure those provisions?

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. PENNY—I have not the slightest hesitation in saying, they would not have got them but for the free trade policy of England. What strikes me as an apparent paradox, and altogether inexplicable, is the great importance the hon. gentleman attaches to agriculture in France and England, and the very little he attaches to it here. He says England imports agricultural products, therefore she is not prosperous; France exports agricultural products, therefore she is prosperous; and then he turns round and wants to divert the people from raising agricultural products in Canada in order to produce cotton goods and other manufactures. He seems to think what is very good in other countries is very bad here. My own impression is not that there is any special merit in any one branch of industry, but that they depend for their success, first on the natural resources of the country, and then on the peculiar genius of the people. We know that an agricultural population is healthy and sound; whereas a manufacturing population is a sickly one, which in the many crises that occur in the course of public affairs, often becomes a starving population. I wish I had an extract I found in Mrs. Senior's account of a conversation between her late husband and Mr. Guizot. I would like to quote the words of Mr. Guizot, but I shall give their sense as well as I can. He remarked that between the place where he lived and another town, there were two communes, one a manufacturing, the other an agricultural commune. The same number of conscripts were drawn from each. In the agricultural commune, only 14 out of every 100 were rejected for want of physical force; in the other 48 out of every 100 were rejected. I do not think it is the duty of the Government to direct people to be agriculturists, manufacturers, or anything else. That depends, as I have said, upon the resources of the country and the idiosyncrasies of the people,

but if we were to make a choice, give me an agricultural people.

Hon. Mr. WILMOT—I explained that France under one policy, increased her agricultural productions £100,000,000 in twenty-five years, while Great Britain under a different policy, had stood still.

Hon. Mr. WARK—I think my hon. friend from New Brunswick scarcely studies the interests of that Province when he advocates a protective policy.

Hon. Mr. WILMOT—I have done it before, down there.

Hon. Mr. WARK—I am aware of that. I would like to know what interest in New Brunswick is going to gain by a protectionist policy? What are our farmers to gain by it?

Hon. Mr. WILMOT—I am a farmer myself.

Hon. Mr. WARK—What have our shipbuilders to gain by it? One ship yard is of more value as a market to the farmers around it than any factory that could be introduced into the country. I can tell the hon. gentleman that one of our large saw mills gives more employment to the people, and a larger market for the agricultural products raised in the neighborhood than any of our factories. I can tell him more; our manufacturers have been more prosperous than perhaps any other class of people we have engaged in business in the Province. There have been less failures among them; there has been more profit in their business; their employes are better paid, and have constant employment; whereas our poor lumbermen, with all the fatigue they are exposed to, with all the hardships of wading through snow in winter, and plunging into the stream in spring, to bring down their logs—men who toil like slaves, and are very often thrown out of employment, while the employes of the manufacturers are comfortably housed in summer and winter. Are these the men whose wages the hon. gentlemen wants to raise?

Hon. Mr. WILMOT—No.

Hon. Mr. WARK—Then he only wants to put the money into the pockets of the manufacturers themselves.

Hon. Mr. WILMOT—The hon. gentleman knows very well I fought those bat-

Hon. Mr. Penny.

tles in New Brunswick thirty years ago, and in every instance where we protected the manufacturers the products were cheaper to the consumer.

Hon. Mr. WARK—The object of these manufacturers in coming here for increased duties is either to enrich themselves, or to enable them to give higher wages to their employes, and I observe they have more profits in their business now than any other class of our business people. Certainly any protection that is given them must lay additional burdens on the hard working classes whom I have referred to—our ship-carpenters, our lumbermen, our fishermen, and all those classes who cannot be protected and who must bear the burden if additional taxes are laid on the products they consume. I had no intention of referring to this subject at all if the hon. gentleman had not introduced it, but I thought he was not representing the feeling of the people of New Brunswick, and I must enter my protest against his utterances on the question. His peculiar views on currency we have often heard. I do not intend to refer to them at all. He approves of the railway policy recommended by the hon. gentleman from Saugeen, which is to utilize the American railways from Ontario to Pembina, and then to commence to construct a railway across our prairies, in the first interest; I then recommended the same course? But there is one remarkable fact that after that year the hon. gentleman (Mr. Macpherson) was silent on the subject. He became the President of the Inter-oceanic Railway Company, and he did not say one word about his policy of utilizing the American roads. His policy then was to build a railway from Lake Nipissing to the Pacific Ocean. But to come to the subject under discussion, there is something novel in the course which is now adopted in this House. I do not think there can be a precedent found for it in our old Legislative Council, and it is only lately it has been introduced. If the public expenditures are to be investigated in this House, as they are before the Committee of Public Accounts in the House of Commons, then the best and fairest, and the only proper way will be to appoint a committee here to examine all those matters, item by item, to call upon the heads or deputy heads of Departments, or whoever may be best qualified to give ex-

planations on these subjects, to appear before the Committee and give evidence. They can then weigh these matters, and if they find anything wrong in the expenditure or in the appropriation of public money, or in the way these appropriations are expended, let them report it, but let the Government have an opportunity to explain every charge made against them and to refute it. With regard to the pamphlet of the hon. Senator from Sauguen, that was sent throughout the country, if this course that I am speaking of were adopted that pamphlet would never have gone abroad as it did. The hon. the Secretary of State gave to that subject as satisfactory a reply as I ever listened to.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. WARK—The hon. member said his figures were correct. So they were, but the deductions drawn from them were incorrect. He said that the public expenditure was much higher in 1874-5 than it was in 1872-3. That was admitted, but does the fault lie at the door of the present Government, or the last? If new appointments were made in 1873, the salaries were not paid in that year; perhaps only half the year's salary was paid in 1874, and a whole year's would be paid in 1875. If such an expenditure as that were incurred in 1873, before the late Government went out, they were chargeable with that increase, although the next Government had to pay it. If in consequence of the legislation of the Provinces, establishing new Courts, it became necessary to appoint new Judges and pay their salaries, it cannot be said that this Government is responsible for that. If they found new appointments had been made before they came into office, would the hon. gentleman suggest to them to cancel those appointments and to turn the officials out of office? If the salaries were increased by the late Government, does the hon. gentleman suggest they should have been reduced? If he does not, then he has no right to charge the expenditure under those heads to the present Government. There was another class of salaries which increased—those which came under the law requiring that certain salaries shall be increased after certain periods of service. He would not have the law repealed, and yet this is added to the expenditure of the Government. Then there is

*Hon. Mr. Wark.*

another expenditure which the hon. the Secretary of State explained very satisfactorily. A loan was contracted just before the late Government went out of office. Surely, the hon. gentleman would not repudiate the interest on that. Works were undertaken, for the prosecution of which money had to be borrowed, and interest had to be paid on these loans; yet, the hon. gentleman went on and charged the Government with the whole of this increase. There is one subject which has been before this House so frequently, that it is a wonder it is not dropped. I refer to the subject of steel rails.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WARK—Now, I never have opened my lips on the subject, but I have taken some pains to inquire into it. The contracts for those rails were made in 1875, extending over two years, yet hon. gentlemen have spoken on these steel rails as if they were articles that a merchant could cross to England, charter a ship and be able to purchase a cargo of as easily as he could procure a cargo of common sizes of iron bars. Steel rails are not manufactured at all until there is a contract for them. How long did the contract for the rails for the Intercolonial Railway run? Nobody ever found fault with the late Government when they made the contract for rails for that road. The delivery of those rails commenced in 1871, and the whole of them were not delivered until 1875, so that the delivery extended over four years. There was generally a considerable quantity of those rails on hand, yet nobody ever charged the Government with anything improper, in having those rails ready on this side of the water, to be used when required. There were bridges, too. There was a bridge at the Miramichi River, which weighed 327 tons, and that bridge lay there two and a half years before it was used. There was one thing connected with that bridge which I think some of my hon. friends might call "a job." There was a piece of ground appropriated for the storage of the Miramichi bridge, for which the Government paid \$2,000. It appears they made no arrangements, because they could have rented a piece of ground for \$100, but they left it on some man's land; and when they came to take it away they had

to pay no less than \$2,000 for the use of the property. There was another bridge at Restigouche, which lay two and a quarter years before it was used; it weighed 322 tons, and there were expenses connected with it that were somewhat extraordinary. I am showing now that the contracts the late Government entered into for their rails were for 44,000 tons. Nobody ever found fault with them, although they had rails lying, sometimes a year ahead of the time they were required, and nobody ever made calculations to show how much the country was losing by it. There were no less than thirty-five

iron bridges stored in England, contracted for, paid for, and ready for delivery. If the present Government were to do such things as these they would be censured very severely for them. Was it unreasonable that the present Government should enter into a contract for about the same quantity of rails for this great Pacific Railway, when we take into account the length of time it takes to manufacture such a quantity? It is no light work to turn out one hundred tons a week, and that would be only a little more than five thousand tons a year. The contracts were as follow:

Guest & Co. . . . .	10,000 Tons at \$54 and \$55.24
Ebbw Vale Co . . . . .	5,000 " 53 53
Mersey Co. . . . .	25,000 " 54 26
West Cumberland Co. . . . .	5,000 " 53 53
West Cumberland Co. . . . .	5,000 " 48 67 F.O.B.
Naylor, Benson & Co. . . . .	5,000 " 51 10 F.O.B.

The first four contracts, amounting to 40,000 tons, were delivered in Montreal without cost of any kind. The freight and insurance were paid, and the rails were delivered on the wharf in Montreal. Let us see what the late Government were paying for rails just before that. Hawes & Company, of Liverpool, were employed to send out rails: 2,200 tons in 1873, and 3,600 in 1874; the prices were £16 12s. Od., and £17 10s. Od. in England—an average of £17 a ton. The freight and other charges amounted to £1 12s. Od., making the cost £18 12s. Od., or \$90 per ton.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WARK—This was the price the late Government were paying for rails just before the present Government came into office. When we take into account that it was intended to commence the construction of the Pacific Railway at both ends simultaneously, and that part of those rails had to go round by way of Cape Horn to British Columbia, a dangerous voyage, we can understand the necessity of forwarding a cargo in good time. Those rails had to be shipped at the season of the year when the voyage would be safe. Would it have been prudent to have waited even until the grading of the road was commenced, before those rails were shipped? They required to be on the ground so that they could be laid as the work on the road advanced, in

Hon. Mr. Wark.

order to carry in the necessary materials and supplies. That is, if the work was given out prudently. I am not speaking now of the Esquimalt & Nanaimo road, but of what was originally intended to be commenced on the mainland and at Lake Superior. The nearest point at which the rails could be delivered for the Lake Superior section, after they were landed at Montreal, was at Thunder Bay. If the Government had succeeded in their original intention of running the road by Sturgeon Falls, commencing at Rat Portage, at the other end, and building westward, the rails could have been sent along the line as fast as constructed, to Sturgeon Falls, and then, for the western contract, taken by water to Rat Portage, and laid from that point westward, as the road was graded. That would have been the cheapest way to go about the work. Otherwise they would have had to land the rails at Duluth, and carry them by rail to Red River, thence to the west end of the section between Selkirk and Rat Portage, now under construction. A portion of the rails was taken to construct the Pembina Branch, as recommended by the hon. Senator from Saugeen, and, considering the distance they had to be carried, the Government were fully justified in making the contract at the time they did. I think they would have acted quite imprudently if they had done otherwise. It is true they have met with great disappointments. No one

could have expected, when the country was pledged to the building of the line in ten years, that it would have taken so long to make the surveys. Large surveying parties had been employed, before the present Government came into office, seeking for a road, and they have been kept employed ever since, yet no line has been determined upon through British Columbia. I have shown that the late Government was paying ninety dollars per ton for rails at the time the present Government came into power. I have shown that the present Government made this contract when it was the opinion of those engaged in the trade at that time, that the price of rails had touched bottom. They were lower than they had ever been before, or could have been expected to go. They were getting them for thirty-six dollars a ton less than the late Government had been paying. The subject of the Fort Francis Lock has also been before the House. It appears to me that when the survey was commenced at Red River westward to Rat Portage, and a favorable line was found there, and when another line was surveyed from Thunder Bay to Sturgeon Falls, it was found practicable, there was not any doubt on the engineer's mind that those two lines could be connected. That was a natural expectation, and, if it could have been realized, no more judicious expenditure could have been incurred than to have endeavored to connect those two points by water—the only obstruction in the water connection being at St. Francis Falls. I admit it was most unfortunate that the original plan could not be carried out, but still I cannot see that the Government should be blamed for it. Then, as for going on with the expenditure after they found the two sections could not be connected by water, we must remember that there is a considerable quantity of good land and a large amount of lumber in that country. The lumber cannot be taken out without giving an impetus to agriculture. I think there is no want which will be more felt in the prairie country by and by than the supply of lumber, and I think the Government were justified in making this improvement with a view to furnishing a means of taking out the supply of lumber from Rainy Lake. There will be mills on all the streams fall-

*Hon. Mr. Wark.*

ing into that lake, and barges will be employed to carry the lumber to Rat Portage, where it can be put on the cars and shipped to Manitoba. I think they would have been very foolish to have abandoned this work after having expended so much upon it. If there is to be a large lumbering population there, they must be supplied with hay, oats, and other agricultural products; and the best place to raise such supplies is near where they are required. There have been very severe remarks made about a small affair—the Suspense Account. Mr. Brydges had agreed, when he undertook the superintendence of the Intercolonial Railway, that twenty miles or so of track should be replaced with steel rails every year. There is no doubt he expected there would be something left from the earnings of that road at that time, and that he intended to expend it renewing the track in order to fit it for the traffic that was expected. If the country had been paying for those rails out of the earnings of the road, Mr. Brydges, no doubt, would have imported the rails just as they were wanted, but, finding a quantity of rails on hand that were not to be immediately used, he laid down more than was at first intended—\$534,000 worth. In pursuance of the course which he considered as common with railway companies, he charged a certain amount to the Suspense Account. Instead of charging the road at once with \$534,000, and showing a large expenditure over its earnings, he charges \$200,000 for the present, and the balance to the Suspense Account, with the intention of charging half of it the next year and half the following year. There is nothing of dishonesty about it and nothing deserving of censure. There is also a mistaken impression about the Pictou Branch. My hon. friend who brought forward this matter says there was an existing bargain by which the road was given away. There is a misapprehension there. There was an arrangement formerly between the Nova Scotia Government and a private company to build a road to the Straits of Canso, and they were most anxious to let the contract on the consideration that the Pictou Road be given to the company. My hon. friend opposite from Cape Breton learned there was a person in England who said he was going to build to Louisbourg, and he protested against giving the road to the company, who were willing to

build only to the Gut of Canso and the matter dropped. The Pictou Branch was still in the possession of the Government, and I dare say when the Superintendent undertook to lay the steel rails upon it, he never supposed that it would be parted with. But in order to get the road to the Straits, opposition was withdrawn to transferring the Pictou Branch. Negotiations were renewed, and in the meantime steel rails had been laid on the road and could not be taken up. That was the history of the Pictou Branch transfer. It was not done until the whole of the first arrangement had fallen through, and perhaps it was never expected to be revived again. I was surprised at the hon. gentleman from Kingston complaining of commencing that little branch for which the late Mr. Foster was contractor without any survey, for he himself or the Government to which he belonged, gave a contract for a line from Lake Nipissing to the Pacific Ocean without any survey. I think this is a very trifling thing compared with the bargains the late Government made on that occasion, without ever knowing what route was to be taken. The hon. gentleman complained the other day of building one hundred and fourteen miles of road to end nowhere, but I would like to know what he thinks about the scheme of the late Government, which was to start at Nipissing and build hundreds of miles before they would come to any place. After having built seven or eight hundred miles they still would have been nowhere. Although the great undertaking was contracted for without any survey yet the hon. gentleman complains because this Government made a contract for the Georgian Bay Branch without a survey. But the most unkind cut of all was the reference by the leader of the Opposition to the Esquimaux and Nanaimo Railway, after the generous way in which the hon. Senators from British Columbia have always stood by the hon. Senator from Kingston. That road was to favor the people of British Columbia, when it was found that the original contract of the late Government could not be undertaken at the time promised. It was intended when the road was built through to connect sections with the road on the main line, and the hon. gentlemen from British Columbia no doubt considered it was only a small instalment of

Hon. Mr. Wark.

what they were entitled to. There was a good deal said about not throwing the responsibility on the engineer and about the Government shirking the responsibility. I will take an opportunity at another time of showing the effect of not taking the advice of the engineer.

Hon. Mr. DEVER—I did not intend to say one word on this subject, because it was well debated by gentlemen who preceded me, but I could not refrain, after hearing the hon. gentleman who has resumed his seat, attempting to fasten on the hon. Senator from Sunbury the charge of advocating something which I do not think he did advocate, that is, absolute protection. As that hon. gentleman said, and as I understood it, his object is not mere protection, but is as the hon. Sir John Macdonald has fairly placed it before the country, in the following resolution,—fair play for our native industries:—

“That it be resolved that this House is of opinion that the welfare of Canada requires a national policy, which by a judicial readjustment of the Tariff will benefit and foster the agricultural, the mining, the manufacturing, and other interests of the Dominion. That such a policy will retain in Canada thousands of our fellow countrymen, now obliged to expatriate themselves in search of the employment denied them at home; will restore prosperity to our struggling industries, now so sadly depressed; will prevent Canada from being made a sacrifice market; will encourage and develop an active inter-provincial trade—and moving (as it ought to do) in the direction of reciprocity of tariffs with our neighbors—so far as the varied interests of Canada may demand—will greatly tend to procure for this country, eventually a reciprocity of trade.”

What we want is that certain duties may be altered, which will relieve our trade and commerce from unfair competition: which will admit articles entering largely into the construction of ships more cheaply than they are now admitted, and which will not require us to pay, as we are now paying, two hundred per cent. more duty on some articles than we ever paid before entering into the Confederation. Protection is not our object. I think any gentleman who makes it his business to look into the matter will be satisfied that the present tariff compels the people of New Brunswick to pay uniform duty of thirty per cent. New Brunswick requires no more protection, but she does require, and I hold Sir John Macdonald will accomplish it if he should.

be restored to power, a revision of the tariff, which will be satisfactory to us. I have always contended, since first I came into this House, that the tariff was wrong, so far as New Brunswick was concerned, and the party which proposes reformation in it will be triumphantly returned by the people of that Province. We have pointed repeatedly to the fact that great injustice is being done us under the present tariff, yet the Government will give us no redress. Is it any wonder that the people of New Brunswick, who simply desire fair legislation, and who have demanded this reformation of the tariff, are disappointed when justice is not done them. I have read Sir John Macdonald's resolution, and while I wish it to be plainly understood that the people of New Brunswick are not protectionists, they can fairly support the policy announced in this resolution. And that is the only protection I understood my hon. friend from Sunbury to argue in favor of. It certainly is the sort of protection I intend to support.

Hon. Mr. TRUDEL—The hon. gentleman who has just taken his seat has felt the necessity of protesting against the assertions of an hon. gentleman from his Province. I think it is the duty of some member of this House, belonging to the Province of Quebec, to do the same concerning the extraordinary assertions which fell from the hon. Senator from Montreal, (Mr. Penny.) He said that the obligation of the Government to find employment for the people, was a Communist doctrine.

Hon. Mr. PENNY—Yes, in principle.

Hon. Mr. TRUDEL—That seems to me very strange. Of course we are accustomed to hear very extraordinary things from the hon. gentleman. But I could not believe he would go so far as this. According to this doctrine, the old king of France, who pretended to govern his kingdom so well that he would reach a point where every inhabitant of the land would have chicken on his table every day (*la poule au pot*) had Communist views, for looking after the wants of his people. I contend it is the duty of the Government to adopt such a policy, in a time of depression, as will protect the industries of the country and promote their prosperity. Is it not the duty of the Govern-

Hon. Mr. Dever.

ment, when an industry is depressed, to give it protection?

Hon. Mr. PENNY—I would reply in the words of the merchants who had been asked by Colbert what he could do for them. Their reply was, "*Laissez nous faire*," (let us alone.)

Hon. Mr. TRUDEL—That would do if we were on a fair and equal footing with our neighbors. I contend the Government which does not understand that it is its duty to protect the various industries of the country does not know its duty to the people. The hon. gentleman has sought to prove inconsistency between the policy advocated now by the leaders of the Opposition, and their declarations in 1868. In matters of fiscal policy there is no absolute principle; a proposition that may be right to-day may be wrong to-morrow.

Hon. Mr. PENNY—When you are out of power I know it is different.

Hon. Mr. TRUDEL—Not at all. I will furnish an illustration to show it is the case. Canada does not produce sugar at present, so there is no necessity for us to have a fiscal policy to protect the production of raw sugar. It is hoped in a few years the beet-root sugar industry will be so established in this country as to become of considerable importance. Say ten years hence it reaches that point, I contend it might then require some protection, because it would be a product of the country. Will the hon. gentleman contend that to ask for protective duties on foreign sugar then will be in contradiction to our present demand to admit sugar free of duty? Will it not be the same policy? The hon. gentleman will hardly attempt to contradict that; and the reason of this is that the conditions will have changed. The hon. Senator quoted from the remarks of members of the Government who were in power in 1868, but he forgets that during the whole period from 1868 to 1873, this country was enjoying great prosperity. The manufacturers, at that time, required no more protection, and it is a fact which cannot be disputed, that with a lower tariff than we have now, they were in reality better protected. Therefore, I repeat, there is no absolute principle in matters of fiscal policy. And the policy which was right in 1868 may not be right in 1878. The hon. gentleman's reply is no answer at all to the position the leaders of the

Conservative party take upon this question to-day.

Hon. Mr. McCLELAN—I rise to make a few observations on the anomalous position of the hon. gentlemen from New Brunswick, who have spoken on the question of trade and commerce. My hon. friend from Sunbury advocates the policy announced by the leader of the Opposition in the other House, because he is a Protectionist. My hon. friend from St. John advocates and supports the same policy, because he is a Free-trader. This is a rather curious state of things. It does appear to me, from the expressions of these hon. gentlemen, that the resolution of the leader of the Opposition is intended to be applied in different ways,—in fact any way to bring about the one great object they have in view, and that is, to create the stream of public opinion, which some hon. gentleman on the other side of the House said was calculated, when taken at the flood, to restore their party to power. My own opinion is, so far as protection is concerned, and so far as imposing more taxes on the people is concerned, they will not be inclined to join with this stream of public opinion. I do not believe such a stream of public opinion exists, and I do not think this resolution will influence public opinion anywhere throughout the Dominion. The proper trade policy is that which can be adhered to consistently with raising enough revenue—that is, to keep the taxation upon the people as low as possible. A great deal of figures have been quoted, and, I think, we must conclude they can be made to mean very different things, according to the way they are used. The hon. gentleman who introduced this discussion has established, in his own estimation, one particular result, by drawing comparisons between particular years. The hon. Secretary of State, I think, very successfully drew another conclusion from figures perhaps more correct, and a comparison much more applicable. I have come to the conclusion that the great pyramid of figures which my hon. friend from Saugeen has erected stands in an inverted position, and that they will not influence the stream of public opinion very much in the way of bringing about a change of Government. There seems to be drawn into the discussion something

Hon. Mr. Trudell.

calculated to bring about that result throughout. I have been very much surprised to find subjects introduced foreign to the question at issue and in no way pertinent to this enquiry. Some of these subjects are being investigated by committees of this House. And since they have been referred to, I must express my opinion that, so far as those investigations have gone, the charges made here last year against the Government have not been sustained. It has been so with respect to the Fort Francis Lock, the Georgian Bay Branch contract, and the Kaministiquia Harbor. I believe it has been proved that the selection of a Pacific Railway terminus has been one, the propriety of which cannot be gainsaid. And I have a right to assume, when I find certain statements put forward by prominent members of this House have been proved erroneous, that every statement put forward in the same way will be found to have equally bad foundation, when subjected to a careful investigation. Therefore, I am very careful about placing much dependence upon such statements until the evidence is submitted with them. I am satisfied the people of this country are not to be deceived by any *prima facie* statements until they have an opportunity of thoroughly examining them. I am satisfied when all these charges come to be thoroughly sifted, the country will not feel itself justified in depriving the present Administration of power, and restoring to office those who have certainly been found chargeable with very serious blunders, and I might, perhaps, very properly use a much harsher expression.

Hon. Mr. DEVER—I would like to point out that the duties on spirits and tobacco have been largely increased by the present Administration; that the sugar duties are not so arranged as to promote our own industries. Surely, in these, and other respects, the tariff could be changed in a manner to make it more satisfactory to the people of New Brunswick.

Hon. Mr. MACPHERSON—I take it for granted, that all the hon. gentlemen who desire to speak on this notice have done so, and that I may now proceed to close the debate. It is almost unnecessary for me to say anything in the way of reply, because the hon. Senators from Kingston and Lon-

donderry have answered so completely the hon. Secretary of State, and the hon. Senator from Lambton (Mr Brown) who came specially from Toronto to support the Government. The hon. Secretary of State and the hon. Senator from Lambton did not shake any of the statements which I presented to this House, either last Session or this, and my hon. friends showed this very conclusively. However, it is usual for the mover to close the debate, and I shall proceed to do so. I shall first say a few words in reply to the speech of the hon. Senator from Prince Edward Island, who spoke last night. He scarcely addressed himself to the subject before the House. His speech was more a lecture on the proprieties of the debate. He evidently intended to censure me for having occasionally interrupted the hon. the Secretary of State, while he was speaking. I should be sorry to be open to the charge of interrupting him for any object, except to obtain information, which, I am sure, the hon. Secretary of State was willing to communicate, and could better furnish than than at any other time. He did not complain of it; on the contrary, when the hon. Senator from Lambton called attention to it, he said he was glad to have had the questions asked. There are occasions when unless information is got at the moment it is not obtained at all. The hon. Senator from Prince Edward Island, as I have remarked, did not address himself to the question before the House, but said the smoothness with which the hon. Secretary of State discoursed upon the subject, and the length of his speech, convinced him that the Government were right, and the charges of extravagance and incapacity which I had brought against them were not well founded, not because the hon. Secretary of State had disproved any one of them, but because he had discoursed at great length and with great smoothness. The hon. Senator from Prince Edward Island stated what I think I should not omit to call attention to, because it had a semi-official ring. He said he understood that what was called the "missing link" in the Lake Superior section of the Pacific Railway was not to be proceeded with at present, owing to the state of the finances of the country. I have stated before, and I now repeat, that

*Hon. Mr. Macpherson.*

until that section is built all that is now being done on the two end sections will be useless. I think the House and the country have a right to expect that the Government will state expressly what their policy is in respect to that section of the Railway. If they do not intend to build that centre section, why proceed with the two ends? The more perishable portions of them will decay in the course of seven or eight years and unless the central section is completed they will not have been made use of. Before referring to the speech of the hon. Secretary of State, I shall make some remarks upon the subject of expenditure on immigration and correct the allegation of the hon. Minister of Agriculture. As I understood the Minister of Agriculture he denied the correctness of the statements which I submitted to the House this Session and last Session in respect to immigration, and the expenditure of the Immigration Department. Now, it would have been open to the hon. gentleman, if he had seen fit, to have questioned the basis on which I made my calculation, but when he went further and said that according to the basis chosen by myself, my calculations were inaccurate, he should have been very certain that he was borne out by the facts.

Hon. Mr. PELLETIER—I never said the hon. gentleman's calculations were wrong. I stated he had a wrong basis for his calculations.

Hon. Mr. MACPHERSON—I understood the hon. gentleman to say the calculations were wrong and that the errors relating to his Department were indicative of errors in others of the statements which I submitted.

Hon. Mr. PELLETIER—I said the statement of the hon. gentleman about immigration was entirely wrong and that it was due to the wrong basis on which he calculated.

Hon. Mr. MACPHERSON—Am I correct in saying that the hon. gentleman went further and stated the errors, which he alleged were in my statement, respecting immigration, were indicative of further errors in my statements?

Hon. Mr. PELLETIER—If the hon. gentleman understood that, I am quite ready to say I had no intention of imputing anything else to the hon. gentleman

than the fact that his basis of calculation was wrong.

Hon. Mr. MACPHERSON—If the hon. gentleman thought my basis was wrong, he was perfectly justified in presenting his own view of it to the House. I shall now explain to the House what my basis was, and I think I shall be able to show that it was a fair and correct one. The hon. gentleman referred to my speech of last Session, and I don't think he acted with the strictest fairness. He referred partially to the statement in my speech of this Session, and then referred to my pamphlet, and alleged there were errors in the Immigration tables contained in it. My pamphlet contained nothing that I did not state in this House last Session, and that did not appear in the official report of the debates of the Senate. I contend, if there was anything wrong in my speech of last Session, it was the duty of the Minister of Agriculture to have pointed it out then. He heard me in the House, and he had an opportunity of reading what I said in the newspapers and in the *Hansard*. If it escaped his notice then, he should have given me notice that he would question it this Session. All my statements are strictly correct. For the years 1872-3, 1874-5, and 1875-6, I took the total expenditure of the Immigration Department, and showed on the face of my statement the amount charged on quarantine. I did not deduct it, but showed it that gentlemen might dispose of it as they saw fit. They might either deduct it or not. Any person who could apply the first three rules of arithmetic could tell what sum I divided *per capita*. My hon. friend opposite (Mr. Trudel) asked the hon. Minister of Agriculture whether I applied the same rule in comparing the expenditures of those three years—1872-3, 1874-5, and 1875-6. The hon. gentleman did not seem to understand what was quite plain, that he (Mr. Trudel) wanted to know whether I applied one rule to 1873 and another rule to 1875 and 1876. The hon. Minister of Agriculture would not give him an answer. I now tell him that I applied the same rule to all those years.

Hon. Mr. PELLETIER—I said that.

Hon. Mr. MACPHERSON—I appeal to the hon. Senator from Montreal to say whether he understood that.

Hon. Mr. Pelletier.

Hon. Mr. TRUDEL—When the hon. Minister of Agriculture stated the expenditure was only \$9 per head, while the hon. Senator from Saugeen made it \$26 per head, I asked the hon. Minister whether the hon. Senator took the same basis of calculation. He did not answer. Perhaps I did not put my question in a proper way.

Hon. Mr. MACPHERSON—I applied the same rule to each of the three years. I included the charges for quarantine, because I considered them part of the ordinary immigration expenditure, and the amounts were very similar for each of those three years. They scarcely affect the comparison. But, when I came to 1877, and found an item of \$44,598 for quarantine, and that nearly one-half of this sum was for small-pox quarantine in Keewatin, what did I do? Did I include this amount in the immigration expenditure, which I divided *per capita*, or did I include a part of it, as I might fairly have done? No. I struck out the whole amount.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—I also struck out the loans to and cost of transporting Mennonites; I deducted from the gross expenditure of \$354,000 for immigration and quarantine the sum of \$144,000 including refunds, and it was the balance of \$209,416 that I divided by the number of immigrants. It is stated on the face of the Public Accounts, that the amount chargeable to Immigration for 1877, was \$229,653, but from that I deducted more than \$20,000 before dividing the expenditure *per capita*.

Hon. Mr. PELLETIER—By what number of immigrants did you divide it?

Hon. Mr. MACPHERSON—I will come to that presently. I did not take even a part of the quarantine expenditure, as I might properly have done, and if I had adhered to the rule I followed, I would have done so, but I gave the Government the benefit of the whole of that expenditure. I state here that, in preparing statements which were necessarily in any respect estimates—there were very few such, two or three only—whenever I was in any doubt, I gave the present Government the benefit of that doubt. With respect to the num-

ber of immigrants, I stated last Session that I confined my comparison to those arriving by the St. Lawrence. I considered that the expenditure by this Department in Europe was made for the purpose of inducing immigrants to come to this country by our own route—the St. Lawrence—and by no other. If they came by any other route, we could not tell whether they came through the labors of our agents in Europe, and that directing them by the St. Lawrence was only secondary to directing them to Canada. I, therefore, took from the returns the whole number of immigrants who came by the St. Lawrence, and there again I was unduly liberal to the Government, because I not only included those who declared themselves to be intending settlers, but all those who came by the St. Lawrence, intending to go to the United States. I shall confine the rest of my remarks, as far as possible, to the immigration of 1877, which was what I submitted to the House this Session. I took as the number of immigrants who came by the St. Lawrence, 7,743. This includes those who intended to pass through as well as those who intended to settle in Canada. To have made an exact calculation of those who came to this country directed, I will assume, by the emigration agents in Europe, the number, instead of being 7,743, should have been 6,785, arrived at in this way:—

At Quebec.....	4,201
“ Halifax.....	930
“ St. John.....	141
“ Portland (Maine).....	1,513
	6,785

Now, instead of dividing the immigration expenditure by this number of 6,785, which would have been the strictly correct way of doing it, I gave the Government the benefit of the doubt, because I could not tell how many of those who came, intending to pass through, changed their minds and settled in the country, or of those who came with the intention of settling changed their minds and passed through, so I took the whole of the arrivals by the St. Lawrence, another instance of my giving the Government the benefit of the doubt. I think I must have made it perfectly clear to the House, and to the Minister of Agriculture, that there was

*Hon. Mr. Macpherson.*

not only no desire on my part to make the expenditure of this Department appear to yield a smaller return than it really did, but that on the contrary, wherever I could, I favoured the Government. Now, the hon. gentleman stated that I had improperly charged against the European agencies, the salaries of two agents who were employed in the United States. Now, I may state that there is nothing in the Public Accounts to show where those gentlemen were employed. I see it is stated in the report of the Minister of Agriculture that two men are employed in the United States. There is Mr. Lalime who received \$3,897 last year, and Mr. Whiteford who received \$2,763. I must say in passing, that Mr. Lalime's salary and travelling expenses seem very high indeed. There is no county judge in Ontario who has such a salary; some of the judges of the Superior Court in Quebec have smaller salaries, and the judges in the other Provinces receive smaller salaries than this emigration agent. The hon. Minister of Agriculture said, in reply to my hon. friend from Kingston, that these agents were not chiefly employed in inducing French Canadians to return to the country—that they were not employed chiefly in promoting the work of what is called repatriation. I shall read an extract from the report of the hon. Minister himself. This is what he says:—

“ There was in 1877 a considerable accession to the colonies of repatriated Canadians in Manitoba; 563 immigrants of this class came from the New England States during the year, against 361 the previous year, under the direction of Mr. Charles Lalime, Special Agent. Mr. Tetu, the agent at Dufferin, also reports the accession of considerable numbers from the Western States. The total number of immigrants of this class during the year, was 836. The Manitoba Colonization Society rendered valuable service in promoting the comfort and settlement of the immigrants after their arrival. These settlements appear to be successful, and there is prospect of their continued increase to the manifest advantage of the Province. \* \* \* \* \* The agent reports the immigrants of Canadian origin from the Eastern United States, to be 398, and from the Western States, 273.”

You see, Mr. Lalime is here referred to as a “special agent.”

Hon. Mr. PELLETIER—Special agent for what?

Hon. Mr. MACPHERSON—To repatriate French Canadians.

Hon. Mr. PELLETIER—It does not state that in the report. Does the hon. gentleman mean to say the only Canadians in the United States are those of French origin?

Hon. Mr. MACPHERSON—The reference is evidently to French Canadians. See what Mr. Lalime says. He rather patronizes the Minister of Agriculture. His report is dated "Worcester, Mass., 31st December, 1877," and he says:—

"Sir,—I am happy, not only in my capacity of Immigration Agent, but also as a Canadian and a British subject, to see the favorable results of the policy of your Government on the subject of the migration of Canadians from the United States to Manitoba.

"My last year's report promised for this year an increase in the number of these immigrants.

"Thanks to the liberality of your department and to my repeated efforts, the number of 361 immigrants in 1876 has increased to that of 563 in 1877.

"I had to refuse a number of persons, who were desirous of emigrating, but had not the means of establishing themselves.

"One of the reasons, or one of the advantages, which decided a large number of persons to settle in Manitoba was the facility they had for starting early in spring, and making a rapid journey by rail to Fisher's Landing, in the State of Minnesota.

"The happy results we have hitherto obtained have not been gained without meeting with obstacles, many persons having great influence with Canadians who resided in the States. The whole of the Canadian press in New England, with the exception of the *Travailleur* of Worcester, and some discontented adventurers, who took advantage of my confidence on the occasion of my first journey to Manitoba, made occult and hidden efforts in opposition to the movement.

"I even encountered at a public meeting at Fall River a braggart whom I considered to have been hired to cast discredit on the Province.

"In my contest with him, and on five other occasions, I had the advantage of being able to refer to the distinguished testimony of the Reverend Fathers Lacombe and Fillion, of Manitoba.

"Among the difficulties which I had to overcome, were those caused by the unhappy and shameful efforts of some Canadians, one of whom was editor and proprietor of an unscrupulous and worthless newspaper. These people, for the sake of a small commission from certain railway companies in the south-west, sought to establish a current of emigration to Kansas. They related many stupid, unfavorable assertions, and in some places I had to devote several days to the counteracting of the effects of their false diatribes."

Don't the names in this report prove the object of the special agent?

Hon. Mr. Pelletier.

Hon. Mr. PENNY—Does the hon. gentleman object to French Canadians?

Hon. Mr. MACPHERSON—Not at all.

Hon. Mr. PELLETIER—The instructions were not particularly to bring back French Canadians.

Hon. Mr. MACPHERSON—The reports indicate that that was their mission.

Hon. Mr. CAMPBELL—When the name of Mr. Lalime was mentioned the other day, I said, "Oh, to bring back French Canadians?" and the hon. gentleman said "No." It now appears that was his mission.

Hon. Mr. PELLETIER—It does not appear to be by the report.

Hon. Mr. CAMPBELL—It does by the names mentioned in it.

Hon. Mr. PENNY—He was sent to bring back Canadians, and if he could get French Canadians there was no reason why he should reject them.

Hon. Mr. CAMPBELL—That is quite right.

Hon. Mr. MACPHERSON—Mr. Whiteford, the other agent in the United States, says in his report from Detroit:—

"Being permitted to do so, I opened an office in Chicago, where I find more facilities for my work, being the centre of a greater number of railroads, still making Detroit my headquarters. I have since my nomination worked chiefly in Chicago and other cities in Illinois, Kankakee, Menteno, Bourbonnais, Gilman, Clinton, Assumption, generally on the lines of the Illinois Central, on both branches from Chicago to St. Louis, in the usual manner previously described.

In conclusion, Honourable Sir, I sincerely believe that I shall obtain satisfactory results from my journeys of this winter. I am not a stranger in the Western States; having during your predecessor's term of office acted as Agent to promote the return of the Canadians to Canada from States of the Union, I have become acquainted with the people and with the country, and know how and where to work to obtain the greatest results. I am pleased to notice that my mission under your predecessor has not been without results, as I have ascertained that the number of Canadians in the West has considerably decreased by this repatriation to Canada, which is still continuing."

There is not the slightest doubt as to what is meant there. I am quite as glad to see French Canadians as any other Canadians coming back. Does the hon. gentleman mean to tell me that those

agents can be of any use in the United States in inducing either Americans or immigrants from the United Kingdom who have settled in the United States, to come to this country? The thing is simply absurd. This House will agree with me that the services which they can render in that way must be altogether infinitesimal. It is perfectly well known that native Americans and others to whom I have referred know as much about Canada as any agents who can be sent to them. If they have gone to the United States from Europe it is with the intention of remaining there. Let us see what the two agents in the United States have accomplished in the way of repatriating Canadians, of French and English origin. Mr. Lalime says he induced 563 to emigrate from the Eastern States, and there entered from the Western States 361, altogether 924. There is a slight discrepancy between this and the statement of the Minister of Agriculture, who puts it at 826. I presume he has given the correct number. The salaries of those two agents together come to \$6,661, and the number of immigrants which they induced to come to Canada was 836 during the year, being within a fraction of \$8 per head.

Hon. Mr. PELLETIER—That is very cheap.

Hon. Mr. MACPHERSON—The sum which I divided over the 7,743 immigrants who came by the St. Lawrence was \$209,416. I deduct from that \$6,661 for the salaries of Mr. Lalime and Dr. Whiteford, leaving \$202,665, to be divided over the other immigrants. According to my view the number over whom it should be divided is 6,785, being those I have already enumerated, and making their cost per head within a fraction of \$30., or more than I originally stated.

Hon. Gentlemen—Hear, Hear.

Hon. Mr. MACPHERSON—The hon. gentleman claims that the other immigrants who came from the United States, numbering together, 20,296, should be included with the 6,785, making together 27,081, and that it is over this number that I should divide the amount of \$202,665. Let us see how these immigrants came to the country, and what record there is of them in the Immigration Department. By the Suspension Bridge there came 6,453. Now, there is not a gentleman

*Hon. Mr. Macpherson.*

from the Province of Ontario here who will assert that those 6,453 persons were influenced by our agents in the United States. The only emigration agent who was within reach of them was Lalime, at Worcester, Massachusetts. Now, is it to be supposed, when all his efforts only resulted in persuading 563 persons to emigrate to Manitoba, that he could have induced 6,453 to come to Ontario, by the Suspension Bridge? The thing is simply preposterous.

Hon. Mr. AIKENS—Hear, hear.

Hon. Mr. MACPHERSON—They were chiefly people passing backward and forward, seeking employment. They were attracted by our public works, and they declared themselves to be intending settlers in order to get their furniture and effects admitted free of duty. They were not moved by emigration agents, but by motives of their own. To say that the expenditure of the Immigration Department had moved them is altogether unreasonable. But they were not the only ones. There entered Manitoba from the United States, 2,087. These were not re-patriated Canadians. Can an emigration agent have had anything to do with inducing them to come? Nothing in the world. But there is still another class, those reported with settlers goods by Custom Houses 11,759; and who do you think these were? The hon. gentlemen says these should be included in the number over whom the expenditure should be divided *per capita*.

Hon. Mr. PELLETIER—So they should.

Hon. Mr. MACPHERSON—The hon. gentleman has only one agent in the Western States, at Detroit. The other is at Worcester, Mass., and are we to be told that 20,296 people were induced by two agents to emigrate from the United States and to settle in Canada. The pretension of the hon. gentleman is perfectly amazing, and all I can say is that if the hon. gentleman believes so impossible a statement, as he has made, he cannot understand the working of the Immigration Department.

Hon. Mr. PELLETIER—I am very much obliged to the hon. gentleman.

Hon. Mr. MACPHERSON—The hon.

gentleman led the House, to understand, that immigration was increasing. His own returns show that it is decreasing by the St. Lawrence which, is after all the only true test, as will be seen by the following figures :—

In 1870, there arrived by the St. Lawrence.....	44,475
1871.....	37,020
1872.....	34,743
1873.....	36,907
1874.....	23,894
1875.....	16,038
1876.....	10,901
1877.....	7,743

The returns by Halifax and St. John are only given for three years, therefore they do not afford any great scope for comparison. I think I have made this immigration matter perfectly clear. I have not only shown what the hon. gentleman does not deny, that my calculations are correct, but also that the bases on which I made them were also correct.

At 6 o'clock the House rose.

#### AFTER RECESS.

Hon. Mr. MACPHERSON resumed his speech. He said :—I have a few more words to say on immigration. The expenditure which I have taken from the Public Accounts and which, divided *per capita*, after deducting the salaries of Lalime and Whiteford, was \$202,755. Now, it is ascertained that all that has been done by the Immigration Department, except what was done by Lalime and Whiteford, was to bring 6,785 immigrants to the country for an expenditure of \$202,785. This leaves to Messrs. Lalime and Whiteford the credit of bringing the other immigrants which the hon. Minister of Agriculture claims as having been brought through the agency of the Department and numbering 21,000. It amounts to this, that Lalime and Whiteford, for their \$3,661, induced 21,000 immigrants to come to Canada, while all the other agents only succeeded in persuading 6,785 to come. This, alone, shows the absurdity of the ground taken by the hon. Minister of Agriculture. I think hon. gentlemen understand clearly that what I meant by urging the fact that

Hon. Mr. Macpherson.

Messrs. Lalime and Whiteford were agents for the repatriation of French Canadians, was to show that their labors were confined to that class. I take it that every hon. gentleman in this House understands that I urged that simply as a matter of fact. No one will suppose for a moment that I would rather see Canadians of any other nationality come back to this country in preference to Canadians of French origin. No man in this House is freer from any feeling of that sort than I am. What I urged is proved by the report of the Minister of Agriculture. The Department is a very costly one, and I did not go beyond the strict bounds of fact when I said that as the expense increased the immigration diminished. The truth is, we have got in the Immigration Department a very large skeleton, an establishment intended for a much larger business than it has had to transact. That is what I find fault with. I should be sorry to say anything bearing with undue severity upon the Department or the Minister; at the same time I feel that great injustice was done to me by the hon. gentleman in the way he spoke of the calculations I submitted to the Senate, and he was not content with impugning them himself, but he handed over the papers prepared in his Department to the hon. Senator from Lambton, that he might attack me also. I called Mr. Brown's attention to the fact that his allegations were not correct, and he dropped the subject. I leave it to the House to say whether the statements which I submitted have not been proved to have been correct from official sources of authority.

Hon. Mr. CAMPBELL—Perfectly correct.

Hon. Mr. MACPHERSON—I shall now proceed to reply briefly to the hon. Secretary of State. The speech of that hon. gentleman was really an attempt to answer my speech of last Session. What he submitted to the House seemed to have been prepared during the recess in the Finance and Audit Departments. There were certificates from the Auditor-General and others, showing that it had been prepared in the Departments, but it altogether failed as an answer to what I had said last Session, and there was no attempt to reply to my speech of this Session. The hon. gentle-

man devoted a great deal of attention to the Estimates for 1873-74. Any one familiar with such matters must know that the Estimates have nothing to do with the question. By the expenditure and not by the Estimates, we must judge of the economy or extravagance of the Government.

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. MACPHERSON—It is in the last degree unjust to say that the late Government was exclusively responsible for the expenditure of 1873-4. It is unreasonable to say that the Government which was in power for eight months of that year had no responsibility, yet that is what is contended by the hon. Secretary of State and the hon. Senator from Lambton. I admit—every hon. gentleman knows and admits—that the expenditure was increased by Statute in the Session of 1873, and that for such expenditure the late Government was responsible. The whole question of responsibility turns upon the sufficiency of the allowance made by me for the statutory increases made in the Session of 1873. I allowed not only \$1,500,000 which the Finance Ministers of both Governments stated would about cover the annual increase incurred that year, but to guard against the possibility of doing injustice to the present Government, I allowed the sum of \$1,877,000. Now, I think the best evidence that I did no injustice to them is to be found in the fact that there has been no serious attempt, either here or in another place, or in the press, to refute or deny the sufficiency of that allowance. I hold it has been found altogether impossible to controvert the correctness of my estimate of the amount of that increase. I did in respect to this case as I did with the quarantine item for 1877. I allowed more than I believed to be necessary, in order that I might not by any possibility, do injustice to the present Government. The general statement that I submitted, showed that the present Government were responsible for \$1,800,000, of increased annual controllable expenditure in 1876 over 1873, being at the rate of \$600,000 a year, and furthermore, that in 1876, as compared with 1875, the ascertained increase was \$716,

Hon. Mr. Macpherson.

062. These statements have scarcely been questioned; they cannot be refuted, and must now be accepted as absolutely correct. In 1877, as compared with 1876, I maintain that there was an increase in controllable expenditure, of at least \$500,000. Great pains have been taken to attach responsibility to the late Government—very unfairly—for the increase of expenditure since 1873. If the present Government considered it necessary to increase the expenditure, as they have done, they should have the courage to assume the responsibility, and to say “we did what we believed to be necessary in the interests of the country, and are prepared to defend it.”

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. MACPHERSON—Instead of that, they say it was incurred by their predecessors, it was a heritage, and that they were obliged to carry out what had been undertaken by their predecessors. I maintain that this is incorrect, and that its incorrectness can be demonstrated. My hon. friend from Kingston, and my hon. friend from Londonderry, both showed that the facts were not only as I had stated, but that they were much more unfavorable for the present Government than I had stated. They have shown that \$1,283,000 had been charged against the Consolidated Revenue Fund in 1874, which, according to previous usage, ought to have been charged against capital. One item of upwards of half a million dollars, part of this expenditure, was on account of the construction of the Intercolonial Railway. Similar expenditure on that railway, previous to 1874, had been properly charged to capital, but in 1874 the new Government charged the item I have named to Consolidated Revenue Fund, and which Fund was accordingly improperly swollen by that amount. There were other items, increasing the amount to \$1,283,000, which was improperly charged in 1873-74 to Consolidated Revenue Fund. Such “cooking” of the accounts was misrepresenting their predecessors, defrauding the public, and unworthy of the Government. The Public Accounts for 1873-4 were prepared so as to show a large increased expenditure, charged to revenue, and this Government then said disingenuously that their predecessors were responsi-

ble for that increase. They say that the expenditure of that year should be taken to be the expenditure of the last year of the late Government, and would conceal that they themselves had increased it. They say they were bound by estimates. Now, hon. gentlemen must know that estimates are not binding on any Government. Not only are they not binding, but the amount of the estimates is never exactly expended. There is always a balance, either over or under. In the Public Accounts for 1877 there is a statement of balances of appropriations which lapsed on the 30th June, 1877. There is an item in this statement for almost every department of the Government. What I have said of estimates applies both to capital account and revenue account, and last year the lapsed balances amounted, in all, to \$3,117,647.

Hon. Mr. SCOTT—That is capital account. Votes are taken for very large sums not intended to be spent. You will find some for five or six millions of dollars.

Hon. Mr. MACPHERSON—It is partly chargeable to capital and partly to revenue. You will find the sums in the Estimates of the year—such as for Governor's Secretary office, Privy Council, Justice, Interior—all the Departments.

Hon. Mr. SCOTT—A vote taken on capital account is rarely spent.

Hon. Mr. MACPHERSON—This is not capital account. What I say is, that the precise amount of the estimates is not expended. Probably not one item in the Estimates is exactly expended.

Hon. Mr. SCOTT—Some are over and some under; there is no doubt of that.

Hon. Mr. MACPHERSON—That is what I say. A great deal was said of Mr. Tilley's Estimates the other day, and it was protested that they established prodigality against the late Government.

Hon. Mr. SCOTT—It is a pretty good test of what was meant to be done.

Hon. Mr. MACPHERSON—They were merely estimates. The Government of the day, judging by the revenue and by the necessities of the public service, ask for such amounts as they think ought to be expended at the time they ask for them. If anything occurs afterwards to make it necessary or prudent not to expend those

*Hon. Mr. Macpherson.*

amounts, they ought not to be expended, and if anything occurs to make it advisable or necessary to increase the expenditure, the Government should be willing to take the responsibility of doing so. Last year the total amount which lapsed was \$3,117,647, and of this \$2,343,356 was chargeable to capital, the difference between these two amounts is composed of items chargeable to income. There is another statement, one of unexpended balances, which were carried forward to the present year, 1877-8, to the credit of the Departments of Arts, Agriculture and Statistics, Penitentiaries, Militia, Public Works chargeable to capital, Public Works and Buildings chargeable to income, amounting to \$557,320. What I want to show is that the Estimates do not govern the expenditure or in any way whatever fasten responsibility upon the Government obtaining them. The Government which makes the expenditure is the Government which is responsible for it. Now, there is another item in the expenditure of 1874, which hon. gentlemen opposite charge, and which I maintain is improperly charged to the late Government, that is, the amount voted to the Civil Service under an Order-in-Council passed by the late Government. That Order-in-Council was rescinded by the present Government, and another Order-in-Council was passed re-apportioning the amount.

Hon. Mr. SCOTT—Only a part of it.

Hon. Mr. MACPHERSON—The amount re-apportioned was about \$15,000 short of the entire amount first appropriated.

Hon. Mr. SCOTT—It was not the general appropriation that was rescinded. The distribution to the Civil Service was by Act of Parliament, and not by Order-in-Council.

Hon. Mr. MACPHERSON—Seventy-five thousand dollars was voted by Parliament to the Government to apportion, as they might see fit, among the Civil servants.

Hon. Mr. SCOTT—Yes, but there was another Order-in-Council to distribute \$60,000 among the outside service. That was rescinded because there was no authority for it.

Hon. Mr. MACPHERSON—Didn't

you pass another Order-in-Council appointing that?

Hon. Mr. SCOTT—Part of that amount was allowed to go, and at another time another portion of it, as it was found that it created great dissatisfaction and made it very embarrassing in dealing with the public servants.

Hon. Mr. MACPHERSON—I mean to say that the responsibility of it rests with this Government, while an attempt is made to fasten the responsibility on the late Administration. My study in this whole matter has been to assign to each Government its fair share of responsibility. Wherever it belongs let it rest, and so far as I could, I endeavored to place it fairly. I do not admire the practice of the present Government of representing their predecessors as responsible for what they themselves are responsible for, and this has been the constant practice of this Government. The item in the Public Accounts for Superannuation is I think excessive, and I fear it is employed sometimes for the patronage rather than to do justice to officials who from age or ill health are entitled to superannuation. I fear officers are superannuated who might for years to come discharge their duties efficiently. With respect to the Public Works chargeable to Revenue, the hon. Secretary of State and the hon. Senator from Lambton dwelt very long and loudly—especially the latter—upon the extent to which the present Government was committed by its predecessors. In this they were unjust. The Minister of Finance stated in his first budget speech, that the Government would not commence new works chargeable to income but would only complete those undertaken by their predecessors. So far from fulfilling that pledge, the present Government commenced at once new works chargeable to Revenue and expended upon them upwards of \$1,000,000, and that in the face of a falling Revenue.

Hon. Mr. SCOTT—In the three years.

Hon. Mr. MACPHERSON—The hon. Secretary of State and the hon. gentleman from Lambton called attention to the increased expenditure by the late Government from 1868. They proceeded to compare the annual expenditure from 1868 down to 1874, but they did not say a word about the increasing revenue

*Hon. Mr. Macpherson.*

which the late Government received to meet that expenditure. Will the hon. gentlemen pretend to say that with a full revenue, and with an annually recurring and large surplus, notwithstanding a reduction of the tariff, the late Government was not justified in going on with such public works as the public interest required? But why do hon. gentlemen speak of the increased expenditure, and not mention the increased revenue between 1868 and 1874? Why will they persist in misrepresenting their predecessors, and in concealing the truth from the people. The surplusses from 1868 to 1874-5 amounted to \$12,010,000. Now, did not that late state of the revenue justify the Government in going on with public improvements chargeable to revenue? The Government of that day spent \$11,280,000 out of revenue in the construction of works, which according to usage and precedent, were properly chargeable to capital. Was that time of wealth to be compared with the era of deficits which came in with the hon. gentlemen who now govern the country? I am not going to attach the whole blame for those deficits to them, some portion is due to the depression but the fact remains that in the one case there was a flowing revenue, reduced taxation, enormous surpluses, indicating prudence in expenditure, and, in the other case, increased taxation, falling revenue, deficits, and also increased expenditure. I shall now say a few words with reference to the North-West Mounted Police Force. I have no doubt it is a very useful force, but, like everything else, it should be managed as economically as possible. The hon. Secretary of State said in his speech that the meat supply for this year will be obtained for this force at four cents per pound.

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACPHERSON—I was told, when in the North-West, that an American firm has had a monopoly of the furnishing of supplies for the Mounted Police since its first establishment. I would just call the attention of the hon. Secretary of State to the necessity of managing as economically as possible.

Hon. Mr. SCOTT—I have had the administration of that Department for the last two years, and I do not see, if I had

to go over it again, where I could have done better than has been done.

Hon. Mr. MACPHERSON—I stated the other evening a fact in connection with the supply of meat?

Hon. Mr. SCOTT—That was the Indian Department.

Hon. Mr. MACPHERSON—I had no intention of mentioning it to the House then or this Session, but it came up accidentally, and I stated the facts with some little uncertainty, but I find I stated them correctly. I have here a statement from Mr. Demers, who tendered for the supply of meat, which, with the permission of the House, I will read. It is as follows:—

EXTRACT.

WINNIPEG, MANITOBA,  
21st August, 1877.

The facts are briefly these: I went to Ottawa in October last, and while there wrote the Minister of the Interior, offering to furnish beef at such prices and such quantity in the North-West Territory as the Government would require during the summer of 1877, at the price of eight cents per pound. I received no answer at that time to this letter, but the Hon. Letellier de St. Just, in speaking of it to me, informed me that he would strongly recommend the acceptance of my tender, on account of the very low price, and was sure that I would get it.

In the Winnipeg papers tenders were afterwards asked for the supply of beef and other articles in the North-West, by Thomas Nixon, Esq., to be put in by the 10th May, 1877. I am given to understand that my tender of eight cents per pound was sent by the Department to J. A. N. Provencher, Esq., Indian Commissioner, who gave it to Mr. Nixon about ten days before the opening of the tenders called for by the advertisement. On the day of the opening of the tenders Mr. Nixon, not knowing my address, asked Mr. Gouin, of this place, to telegraph me that my tender, being the lowest, was accepted. This Mr. Gouin did in the accompanying telegram. I received Mr. Gouin's telegram on the 21st of May, and at once sent to the telegraph office, distant one hundred and twenty-five miles, the telegraphic answer herewith. On receipt of my telegram on the 26th May, Mr. Gouin saw Mr. Nixon and informed him that I had accepted the contract, and had made provisions for so doing. Mr. Nixon informed Mr. Gouin that he was two days too late, and that the contract was given to other parties. Mr. Gouin telegraphed this statement of Mr. Nixon's to me, but, as I live one hundred and twenty-five miles from the boundary line, I did not receive any notice till my cattle had already started and were across the boundary line. I am also informed by Mr. Gouin that the day before the contract was awarded by Mr. Nixon to Mr. McKay, that he called upon Mr. Gouin and informed him that he could wait no longer

Hon. Mr. Scott.

and would award the contract elsewhere, where upon Mr. Gouin showed Mr. Nixon a letter written by me sometime before, stating that, as I felt sure of my tender being the lowest, I had already made every arrangement and that some of my cattle had started. Mr. Nixon refused to wait and Mr. McKay got the contract at fifty-five per cent over my tender, making a difference in cost to the Government of nearly six thousand dollars. The consequences to me of the above facts have been that I have suffered serious loss. It seems to me so inexplicable that the Government should pay 12½ cents when they could get beef at eight cents per pound, and that Mr. Nixon's conduct has been so peculiar in the matter throughout. I may also state that upon my arrival here I waited upon Mr. Nixon, and reproaching him for his action, he assured me that if I would hold my tongue, there were other contracts to be given, and that he would see that my cattle were still taken."

(Signed.)

T. J. DEMERS.

A.

COPY.

WINNIPEG, 12th May, 1877.

T. J. DEMERS, ESQ.,

Frenchtown,

Misjoulia,

Monta Ter., U. S.

Your tender for dressed beef, October last, Ottawa, accepted to-day. Will you still fill contract? Quantity required, hundred and thirty thousand pounds, delivered from July to September, at different posts North-West. Draft thousand dollars sent to-day. Answer immediately.

W. F. GOUIN.

B.

COPY.

NORTH-WESTERN TELEGRAPH COMPANY.

Dated, Deer Lodge, Montana 25, 1877.

To W. F. GOUIN,

Will fill contract. Write C. Allard at Cassil Lake, to leave cattle required there at the proper place himself. Will soon start.

T. J. DEMERS,

via Helena.

The hon. Secretary of State will see that the tender was not confined to the Indian Department. Mr. Demers' offer was to supply the Government.

Hon. Mr. PENNY—Have you Mr. Nixon's reply to that. One story is good until another is told.

Hon. Mr. MACPHERSON—I believe it is admitted that Mr. Demers offered to supply the beef at eight cents per pound, that the other circumstances are as stated in this memorandum, and that Mr. McKay got the contract from Mr. Nixon at 12½ cents per pound. I heard that Mr. Nixon said he could not run the risk of waiting any longer than he did for an answer from Demers. There

might be force in that reason for the supply of beef, in the early part of the season, but it could scarcely apply to that for the whole season. When I last spoke on the subject, I complained of the waste of money in the North-West. Fort Pelly was first selected as the seat of Government of the North-West. A very large sum of money was spent there upon buildings. The place was then abandoned, and Battleford was selected. Large expenditure has been incurred there, and I am afraid Battleford will also have to be abandoned. Information which I have since received strengthens that opinion. I am told Battleford is on sandy, arid soil. Perhaps just about the proposed site of the town itself there may be a few inches of soil, but for an extensive area round the country is sterile—there is no wood and no population.

Hon. Mr. SCOTT—There is not much population anywhere in that country.

Hon. Mr. MACPHERSON—There is nothing at Battleford to attract population, and it will most likely have to be abandoned as Fort Pelly was. The people of the North West look upon Winnipeg as the capital of that country. They have done so from time immemorial. The Hudson Bay traders, half-breeds and Indians, all have been in the habit of looking upon it as the metropolis of the North-West, and the less instructed portion of the inhabitants look upon the authorities at Fort Garry with much greater respect than upon the Government at Battleford. With regard to the expenditure on public works, a gentleman said, the other night, that this was no time to stop outlay. Expenditure judiciously made is generally real economy, and I do not object to a reasonable expenditure out of capital for great national works, provided it is judiciously made, but the outlay on the Pacific Railway is in the last degree injudicious, and the same may be said of a large proportion of other expenditure, which I shall not now describe particularly. I shall only further say to the Secretary of State that he has not controverted any of the financial statements I placed before the House either last Session or this, and that they convicted the Government of extravagance and mismanagement. I shall now address a few words to my

*Hon. Mr. Macpherson.*

hon. friend from Hamilton (Mr. Hope), who takes an exceedingly bright and sanguine view of the financial situation. I think if the hon. gentleman visits the Finance Department, his opinions must be comforting to the Minister of Finance.

Hon. Mr. HOPE—I have not had the pleasure of seeing the Finance Minister this Session. I took my statement from the blue book.

Hon. Mr. MACPHERSON—The hon. gentleman made one statement which he did not find in the blue books. He did not find the sinking fund deducted from the deficit. He did that himself. The sinking fund is an engagement just as much as any other liability of the Government, and there is no engagement more sacred than the investment of the sinking fund. If that were omitted for one month beyond the proper time, the credit of the country would be imperilled. I heard the hon. gentleman say that he deducted the sinking fund from the deficit, and he added, "now the equilibrium is restored, and the whole thing is done."

Hon. Mr. HOPE—The question of the hon. gentleman is answered, as I think, satisfactorily.

Hon. Mr. MACPHERSON—I am surprised that a business man should have spoken in the way the hon. gentleman spoke of the sinking fund, knowing, as he must know, that the Government has no more sacred engagement to deal with. If the hon. gentleman can tell us how one dollar can be made to do service for two he will render great service to the country.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—When money is invested in the Sinking Fund, the Government cannot employ the same money, to pay other obligations, for instance, freight on steel rails by the Merchants' Lake and River line of steamers, in which the hon. gentleman is a shareholder. The hon. Senator laughs, and no wonder, for his company received last year, for carrying rails, \$89,360.

Hon. Mr. TRÜDEL—Did you find that in the Blue Book?

Hon. Mr. MACPHERSON—Yes. It is quite obvious why the hon. Senator from Hamilton should be so anxious to have the present Government remain in

power five years longer. He says the way to preserve the equilibrium between income and expenditure is to keep in the present Government, which has been the Government of deficits, but which paid to his company last year no less than \$89,360; and the hon. gentleman may have visions of great contracts in the future for transporting military stores and munitions of war through the Fort Francis Canal. The name of that hon. gentleman's company, and that of Cooper, Fairman & Co., appear very often in the Public Accounts.

Hon. Mr. HOPE—When was this money paid to the Lake and River Company?

Hon. Mr. MACPHERSON—I will give the hon. gentleman the page of the Public Accounts; the date is not stated. It may have been on the first day of the financial year.

Hon. Mr. HOPE—I think the hon. gentleman will find I had not a seat in the Senate at the time the contract was made.

Hon. Mr. MACPHERSON—When the hon. gentleman was here last Session, we found an item for similar service in the Accounts for the year before. There are items in the Accounts for 1875-76 and 1877.

Hon. Mr. HOPE—The payment in 1875-6 was before I was a member of the Senate.

Hon. Mr. AIKINS—He admits having received the money.

Hon. Mr. HOPE—At the same time I would just remark there is no more impropriety in a shareholder of any steamboat company carrying rails for the Government, being a member of the Senate, than there is in a shareholder of a bank holding large deposits of money and making a large profit out of them, occupying a seat in this Chamber.

Hon. Mr. MACPHERSON—I did not accuse the hon. gentleman of having done anything illegal. I merely mentioned the fact that the company in which he is a large shareholder, received for transporting rails last year, \$89,000. I shall now pass on to the speech of the hon. Senator from Lambton (Mr. Brown) who, I very much regret, is not in his place. We were threatened with a visit from him for a long time and we were told, he would

*Hon. Mr. Macpherson*

disprove all my statements, showing the increased expenditure of the Government, and would crush all Ministerial opponents. The hon. gentleman came twice to deliver his speech in defence of the Government. On the first occasion, I think those who heard his speech must have sympathized with the hon. gentleman, because it was a laughable miscarriage, and on the last occasion, after much intellectual labor the result was a very small mouse indeed. The hon. gentleman did not attempt to answer any of the charges of financial extravagance and administrative incapacity, which I and others had brought against the Government. He could not do this, for the facts were against him, but he did engage the House for some time with very entertaining declamation. I say this in the very best spirit. The hon. gentleman travelled twice from Toronto to Ottawa—1,100 miles—to deliver that speech, and I really could not discover that it was worth the travail. I thought at first the fault must have been my own for not discovering point and argument in it; that there must have been a great deal of argument and a great deal of strength in his speech, and that the fault was with me for not discovering these and their bearing on the question before the House. I thereupon asked hon. gentlemen who are in the habit of taking part in the debates of the House, and of making notes of what is said by hon. gentlemen with a view to replying to them, what points the hon. gentleman had made. They one and all gave me the same answer, that they had not been able to discover anything in the speech answering or disturbing any of the facts which I had submitted. One hon. gentleman said he thought the hon. Senator from Lambton fancied he had made a point about the expenditure for telegraphing in 1874-5, and for immigration, but my friend knew that the error, if error there was, in respect to the expenditure for telegraphing, was not with me, but in the Public Accounts; that the Government had, through some error, placed the payments for five quarters' telegraphy in one year and three quarters' in another. I took my facts from the Public Accounts. I am inclined to think however if we could get behind the scenes we would find that there are not a few who get five quarters

pay for not more than three quarters' work. I submit that I have proved conclusively to the country, to-day, all that I ever said of the expenditure in the Immigration Department. I fancied also that there must have been great merit in the Hon. Senator's speech, because of the enthusiasm with which he was greeted by his friends. I never can forget the scene on the floor of this House, on the conclusion of his speech. Hon. Senators on the other side, some of them venerable and grey-haired gentlemen, crowded round him, congratulating him, and thanking him fervently, apparently, for the great service he had rendered to them. They had no doubt telegraphed and written to him, entreating him to come, and he came and delighted them, if not with argument, with declamation, and they, in return, expressed their gratitude to him, almost worshipping him. I suppose they called to him much in the way that we are told the worshippers of Jupiter called to him to come down and assist them, and the hon. Senator enjoyed a privilege that Jupiter never enjoyed. He (Mr. Brown) was present, and received in person the homage and adulation of his worshippers. It was a touching picture, and, like all fine pictures, it was not all sunshine, there was shadow in it—a picture would not be a fine picture if it was all bright, all sunshine, and the picture I refer to did not lack shadow. The hon. Ministers were in dark shadow, they were in the background. The hon. Secretary of State had discoursed smoothly for six or eight hours; had labored most indefatigably, and quite as effectively as the hon. gentleman from Lambton. While the Secretary of State did not refute any of my statements, he deserved well of his friends for his long and smooth discourse. But he and his colleague, the Minister of Agriculture, were left in the background. When they finished their speeches no one went up to congratulate them or take them by the hand; they were left in the very darkest shadow, but, altogether, the scene upon the floor of the Senate was a sublime tableau. I think it is not fair of the hon. gentleman from Lambton to rush away the moment he delivers one of his orations. The hon. gentleman comes down and makes what he considers, no doubt, a very effective speech. He dis-

*Hon. Mr. Macpherson.*

charges a broadside, and he should wait to see the effect it produces, even when, as in the late instances, his guns were only loaded with blank cartridge. I hope the hon. gentleman will attend in his place in this House more regularly in future than he has done in the past. It was quite evident, when the hon. gentleman appeared here, armed with Orders-in-Council, and with information of every description, obtained from the public departments, that he enjoyed advantages over every ordinary member of this House. It was apparent to everyone that the hon. gentleman's seat was not in the humble place he chose to occupy, but at the head of the Treasury Bench. That is the place where he should take his seat. It is very well known that the hon. Senator—Mr. Brown—is the real head of the Government. There may have been some little division in the headship for a time, but we know from a change which has recently taken place that it is no longer so, and the hon. gentleman should take his proper place as head of the Government, and assume a measure of responsibility commensurate with his great influence with his party. The hon. gentleman from Lambton complained of my having brought financial questions before this House. I think there is no ground whatever for that complaint. This House has a right to enquire into all the affairs of the country. If we may judge of the wisdom of our course by the effect of our proceedings on the public mind, I have no hesitation in saying—and I think hon. gentlemen will agree with me—that the influence of the Senate has not been impaired, nor the respect in which it is held in the country diminished by the course which we have seen fit to pursue. On the contrary, it has been universally recognized that the course pursued by this Senate has been beneficial to the country.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—There may be times when from circumstances the majority supporting the Government in another place may be so overwhelming that a successful enquiry into ministerial misdoings would be impossible. When there are ministerial misdoings they not only affect the Ministers themselves, but they affect the whole ministerial party, and every member of that party is interested in concealing those mis-

doings. Whoever knows the process by which enquiries are pursued by large committees representing the majority in the popular House, must be aware that it is impossible to get at facts that will tell against the Government of the day, or the party of the Government of the day. It is just at such times that a House, constituted as this is, is peculiarly adapted to render the country great and valuable service. Other hon. gentlemen have told how this House has been sneered at and jeered at by certain gentlemen in another place, who have since become members of the Government. There allusions to this House were exceedingly improper, and were discreditable to them, speaking as they did of one of the Houses of Parliament. The course which this House has pursued in rejecting public measures which they considered prejudicial to the interests of the Dominion, and their examination into the finances of the country, have kept it in full accord with public sentiment, and its position was never higher in the estimation of the people of Canada than it is to-day.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—If this House had been an elected body, would there be any doubt as to its right and duty to enquire into the management of the finances of the country, and is not an enquiry instituted by it constituted as it is as useful as though it were an elective body? The hon. gentleman from Lambton referred to the Committees of this House which are sitting. He expressed surprise that I should sit upon the Kaminstiquia Committee to enquire into "The Neebing Hotel" and "Fort William land jobs!" It is very necessary to sit upon such committees and enquire into such matters. The hon. gentleman from Prince Edward Island said we should not refer to questions that are before committees. If the evidence which has been before those committees had been withheld from the public, I agree with the hon. gentleman that it would not be proper to allude to it here, but when the evidence is published every morning in the press of the country, would it not be affectation not to refer to it in this House when occasion requires.

Hon. Mr. Macpherson.

Hon. Mr. HAYTHORNE—What I said my objection to be was allusions to enquiries pending before committees, and unfinished.

Hon. Mr. MACPHERSON—There is not a member of this House, and scarcely any person in the country, who does not know, from what has already transpired, that in the Kaminstiquia land matter and the Neebing Hotel purchase, gross frauds have been perpetrated upon the public.

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. PENNY—On the contrary, I do not think it is anything of the kind.

Hon. Mr. MACPHERSON—A most nefarious job has been perpetrated on the country.

Hon. Mr. HOPE—Is that what the Committee have decided on?

Hon. Mr. MACPHERSON—The Committee has not reported yet, but the fact that a fraud has been perpetrated is patent; I do not say by whom; that will be for the Committee and the House to say. The hon. gentleman from Lambton spoke of the Government having inherited obligations from their predecessors amounting to \$96,300,000. Without explanation this statement is grossly misleading; \$35,000,000 of that sum were for debentures maturing, which had simply to be renewed, and at a reduced rate of interest. Then with respect to the largest obligation, which they say they inherited—the Pacific Railway,—it is a matter of history that when they succeeded to the Government of this country they were perfectly free to do whatever they thought best with respect to that work. What are the facts? A short time before the present Government came into office, the contract with Sir Hugh Allan and his partners was declared to be at an end, and was cancelled. The only engagement to which they were then committed was the original treaty with British Columbia, and that treaty, we all know, the present Government utterly disregarded and tore in pieces, so that they were perfectly free to do with the Pacific Railway, what they believed to be for the interests of the country, and we see what they have done. It would not have been possible for men to have exhibited greater want of wisdom than

this Government has shown in dealing with that work. First, the Georgian Bay Branch was placed under contract, and they lost confidence in their own judgment and stopped that work. The Pembina Branch was also put under contract, steel rails were sent up, and the company of which the hon. gentleman from Hamilton is a member, was paid an enormous sum for their freight. Then, suddenly, the Government lost confidence again in their own judgment, and that work was suspended. They next placed the section from Thunder Bay to Shebandowan, on the route to Sturgeon Falls, under contract, with a view to utilizing "the magnificent water stretches." After proceeding for some time with that line, they lost confidence in their own judgment again, and changed the location, adopting one so far north, as to render it impossible to use the water stretches in connection with the railway, and although this change must have been made more than two years ago, yet the Premier in another place, and the hon. Secretary of State in this Chamber, only one year ago declared that the water stretches were to be utilized from Port Savanne, through Lac des Mille Lacs, down the 400 feet of Portages to Rainy Lake, through Fort Francis Lock, and down Rainy River and the Lake of the Woods, to Rat Portage, to form the connecting link between the two ends of the railway.

Hon. Mr. CAMPBELL—Only a small portage or two, he said.

Hon. Mr. MACPHERSON — Yes, "only two or three short portages to be overcome." Before these speeches were delivered, the location of the railway had been changed and carried nearly 100 miles north of the "Magnificent water stretches." We have received no explanation of these delusive statements. The Government placed under contract 114 miles of the railway at one end of the Lake Superior section and 114 miles at the other end, and for the West end it will be necessary to send 15,000 tons of rails—in addition to the quantity required for the Pembina branch—round by Duluth and Red River at enormous rates of freight, which may benefit my hon. friend from Hamilton, (Mr. Hope) and when all this is done we are told semi-officially apparent-

*Hon. Mr. Macpherson.*

ly by the hon. gentleman from Prince Edward Island that the Government have abandoned for a time the central link—he calls it "The missing link."—although we know that neither end can be of any use until the centre section is completed. If there is not money to go on with the construction of the central link, surely the Government ought to stop the construction of the two ends now under contract. The hon. gentleman (Mr. Brown) speaking of the public debt said that I had over stated the amount of it. I said the amount of our debt is \$174,000,000 whereas the hon. gentleman said I ought to have spoken of the net debt which he called only \$133,000,000. Now, hon. gentleman when we speak of our debt, I think it should be understood that we speak of what we owe. The country owes \$174,000,000. We have assets which it is true are nominally \$40,000,000, but what are those assets! Upwards of \$22,000,000 of them bear no interest. The interest that this country has annually to pay is \$7,132,000, and the interest we receive upon all the assets is only \$648,680. I think hon. gentlemen will agree with me that when we speak of our debt we should speak of what we really owe and not of what some hon. gentlemen may assume it may be diminished to, by assets, the value of which is not easily ascertained. The deficits should have been foreseen. An hon. gentleman said that I am favorable to the increase of taxation. That does not follow by any means, but when the revenue is falling, one of two things must be done; either the revenue must be increased, new sources of revenue must be opened, or there must be retrenchment—one or the other is indispensable if deficits would be avoided. The present Government did neither the one nor the other; they saw the revenue falling off, but instead of decreasing they increased the expenditure, and the deficits of course followed, amounting to within a fraction of four millions of dollars in two years. I said that the Government in preparing the Public Accounts, should be careful to see that they are correctly made up. The Public Accounts are prepared under the direction of the Government, and the Government is directly responsible for their accuracy. Ministers direct what shall be charged to capital, what to Con-

solidated Revenue Fund, and what placed in Suspense. It, therefore, behooves the Government not to expose themselves to the charge or suspicion of "cooking" the Public Accounts. If they place items under any but the correct heads they will leave themselves open to that charge and do the credit of the country incalculable harm.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—Now with respect to the rails in the Intercolonial Renewals Suspense Account, the hon. gentleman from Lambton admitted that if the Rails had not been on hand they would not have been purchased. I do not know whether it struck the hon. gentleman that that was evidence of very great and unpardonable extravagance. A steel rail has only a certain number of years of wear in it like everything else that is used in railways, and if it is laid and used one year or more before it is wanted, it is worn out a year or more sooner than it should be and the country is put to the expense of renewing it at the cost of further expenditure. The hon. gentleman from Lambton complained because I suggested that he must know what the Government scheme of additional taxation is, and said that I should not have stated such a thing unless I could prove it. I am not in the confidence of the Government, but I venture to say that they dare not adopt a policy of taxation without the knowledge and sanction of the hon. gentleman from Lambton. The hon. Senator (Mr. Brown) and the Secretary of State made light of our deficits and compared them to deficits of twenty years ago, ten years before Confederation when the condition of Canada was as different from what it is now as it is possible to conceive. But if hon. gentlemen want to read of a Government denounced and condemned for permitting deficits to recur and for not covering them either by increased taxation or stopping them by retrenchment, I will refer them to files of the *Toronto Globe* of that period. They will there find the Government condemned in very much more severe terms than I applied to the present Government. I remember in those days that appeals were made to the proprietors of that journal in the interests of the credit of the country not to be exposing the financial condition of the country as they were do-

Hon. Mr. Macpherson.

ing. But they said it was their duty to proclaim the deficits. I think it was, and that they were not to be blamed for doing as they did. The hon. gentleman said that this House ought to send out a right key note. I think, hon. gentlemen, we are doing so. The right note for this House to send out is the truth, and I do not know that we can do better than adopt as nearly as we can the language which was used by the leading men in the present Administration and by the gentleman who has recently retired from it, before they went into the Government.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—The language which they held then was really right, true and patriotic, and no better key note can be sounded to-day. But, unfortunately, when these gentlemen went into office they forgot that note; they forgot their pledges; they were guilty of recreancy and tergiversation that was discreditable to them as public men. They disregarded and violated all their pledges and debased the public life of this country. It gives me no pleasure to speak as I have just done of the Government. On the contrary, it gives me great pain. No matter who compose the Government of this country, I should like to be able to hold them in respect, and I should like the country to hold them in respect. But the country cannot hold the present Government in respect. Ministers have deceived the people, and their maladministration of the affairs of this country is almost indescribable, and will be disastrous if continued much longer. When they succeeded to office, I welcomed them. I thought the change would do good at the time, and I gave them an independent support in this House upon all their measures, until I had cause to lose all faith and confidence in them.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—And, hon. gentlemen, no personal interest of mine, except as one of the public, would be advanced by a change of Government. I desire a change, because, in my opinion, the good of the country demands it. When my hon. friend on my right (Mr. Campbell) crosses the floor of this House—and I hope, in the interests of the country, that he will soon cross it—I shall not go over with him. My only

motive is to help to place men in the Government who are worthy of the respect and confidence of the country; men who will administer the public affairs honestly, wisely, economically, and purely; the present Ministers, in my opinion, do not so administer them; on the contrary, they have, by their conduct, shocked the moral sense of the people.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—I say so unhesitatingly. Will any hon. gentleman say that the prevailing feeling from the Atlantic to the Pacific is not one of disappointment with the present Government. I am sometimes told that I am always attacking the Government. If I suggest economy and retrenchment in the fulfilment of pledges given in past years, or the avoiding of useless expenditure, or improved Administration generally, it is all characterized as attacks upon the Government. The truth is, it is impossible to refer to the Administration, or to the individual members of it, except in terms of condemnation. I would much rather support the Government as I did in the early sessions of this Parliament, and feel that they deserved support, than to be exposing their deficiencies as I feel it my duty to do now.

### HALIFAX PENITENTIARY.

#### ENQUIRY.

Hon. Mr. MILLER—I would like to ask the hon. Secretary of State whether the Government is aware that during the last year it has been the habit of the Coroner attending the Penitentiary at Halifax to hold inquests in that institution, with the approval of the Warden, without a jury?

Hon. Mr. SCOTT—I have never heard of the circumstance before. I will make enquiries of the Minister of Justice.

The House adjourned at 9.35 p.m.

### THE SENATE.

Monday, April 1st, 1878.

The SPEAKER took the chair at 3 o'clock. p. m.

After Routine proceedings.

Hon. Mr. Macpherson.

### RECORDING DIVISIONS IN SELECT COMMITTEES.

#### A POINT OF ORDER.

Hon. Mr. HAMILTON (Kingston), from the Committee on Banking, Commerce and Railways, to whom was referred the Bill intituled: "An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company," reported that they had gone through the said Bill, and had directed him to report the same with several amendments.

Hon. Mr. HOPE rose to a point of order. He said in Committee on this Bill he had asked that the yeas and nays be recorded in a division which took place on an amendment which he had moved, and he was told it was not usual to allow it. He merely wished to have a decision from the Speaker on that point, so as to define the rights of members.

Hon. Mr. CAMPBELL—It seems to me that is a question for the committee. The committee having decided the point, the matter must rest there.

Hon. Mr. MACPHERSON—It is not usual to take the yeas and nays in committee. I never saw them recorded in committee.

Hon. Mr. MILLER—That would not be done in a committee of the whole House.

Hon. Mr. CAMPBELL—The rule applicable to the case is 65, which is as follows:—

"All questions before committees on private bills are decided before a majority of voices, including the voice of the chairman, and, whenever the voices are equal, the chairman has a second or casting vote."

Hon. Mr. HAMILTON (Kingston)—There has never been a vote recorded in any committee I have been on.

Hon. Mr. MACPHERSON—The hon. gentleman suggested that the yeas and nays should be taken, and I and others said it was unusual.

Hon. Mr. MILLER—I submit the House and the Speaker have no power to take cognizance of the hon. gentleman's complaint in the way he brings it up.

After some further discussion

Mr. SPEAKER said the question of

order cannot be decided by a select committee, nor by a committee of the whole, but only by the Speaker in the Chair. The rule in this case provides that all questions in committees on private bills are decided by a majority of the voices, including the voice of the chairman, and, whenever the voices are equal, the chairman has a second or casting vote. This is the only rule practically applicable to this case. But the 112th rule provides :

“ In all unprovided cases, the rules, usages, and forms of proceeding of the House of Lords are to be followed.”

So that, where there is no express rule of the Senate to regulate that matter, the rules, usages, forms, and proceedings of the House of Lords become the rule.

Hon. Mr. MILLER—That has special reference to the Committee on Private Bills, the chairman alone of which has two votes. It does not refer to the Banking Committee.

Mr. SPEAKER—Private bills sometimes go to the Committee on Railways, Banking and Commerce, and I think the construction of the rule fairly applies to any committee to which a private bill may be sent. On referring to May, p. 398, I find on the 7th of December, 1852, the House of Lords agreed to a resolution to the effect, that in the event of a division taking place in any select committee, the votes on each side shall be entered on the minutes, and be reported to the House, in the report of the said committee. The same rule obtained in the House of Commons, and in precisely the same words.

Hon. Mr. CAMPBELL said the hon. Senator from Hamilton had evidently been in consultation with the Speaker on the subject, but he did not think that the 112th rule applied in this case. It merely referred to unprovided cases, where there was no usage of this House. Now, the usage of the Senate ever since Confederation, had been, not to take the yeas and nays in committees; and, in fact, the yeas and nays were not taken in committee of the whole House, and only in the House itself, when asked for by the members. In this case, only one member called for the yeas and nays, and if, on the demand of one member, this course could be taken, it would place the House in a most anomalous position.

Hon. Mr. MILLER contended this  
Hon. Mr. Speaker.

was not an unprovided case, because there was a rule of the House bearing directly on the taking of yeas and nays, and that rule declared that it must be in the House on the demand of two members. Anything opposed to that express rule was opposed to the practice of the House.

Hon. Mr. BUREAU contended it had been the practice ever since Confederation to take the yeas and nays in committees, as would be seen by reference to the reports of the Joint Committee on Printing. He admitted that in committees of the Senate there had been no case where the yeas and nays had been taken, but they could not arrive at the conclusion that in consequence of this it should not be done. It was also the rule in committees to have no seconder to a motion.

Mr. SPEAKER—The rule cited by the hon. Senator from Arichat—No. 31—has reference solely to proceedings when the House is in Session. It does not refer to the proceedings of committees, but solely to the proceedings of the Senate.

Hon. Mr. MILLER said, when the House laid down a rule with respect to taking the yeas and nays, it certainly regulated the whole subject by its positive enactments, as well as by its silence. What he complained of was, that it was very unfair and discourteous to the chairman of the committee that a question of this kind should be brought here evidently after previous consultation with the speaker, and it was unfair that he was to give an elaborate opinion without any notice to the chairman of the committee that his ruling was to be attacked. It was very discourteous to the chairman of the committee and to all concerned.

Hon. Mr. BUREAU contended that the Speaker was obliged to study the rules, and it was therefore right and proper to consult him beforehand. It had always been the custom, and it was the duty of the Speaker to look up authorities when requested to do so.

Hon. Mr. BOTSFORD thought the point raised did not come under the 112th rule as an unprovided case. Since Confederation no division had been recorded in any select committee, and the only rule with respect to voting was in cases where the Senate thought it was desirable the names should be taken down. He sug-

gested if it was thought desirable to adopt the usage of the House of Lords to give notice of a motion to that effect.

Hon. Mr. SCOTT said his knowledge of the practice elsewhere had been that at the request of a member of the committee the votes were recorded. He did not think the mere absence of any case in point in past years could be construed into a usage, and therefore the practice in the House of Lords must necessarily prevail.

After further discussion.

Hon. Mr. DIXON moved that the amendments be taken into consideration by the House to-morrow.

The motion was agreed to.

## THE GRAND TRUNK RAILWAY COMPANY'S BILL.

### THIRD READING.

Hon. Mr. HAMILTON (Kingston) from the Committee on Standing Orders and Private Bills to whom was referred the Bill intitled: "An Act respecting the Grand Trunk Railway Company of Canada," reported the said Bill without any amendment. The Bill was read the third time and passed.

## SHIPMENT OF GRAIN BY THE INTERCOLONIAL RAILWAY.

### MOTION FOR A RETURN.

Hon. Mr. NORTHUP moved:—

"That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House all correspondence relating to shipment of grain by way of the Intercolonial Railway at Halifax, for Europe."

He said the question referred to in the notice which I now bring before the House is one that has been occupying the attention of the people of Halifax for the last two years. I have considered it a matter of importance to them, and not only to them, but to the whole Dominion. I may say that the question of the shipment of grain has been very fully discussed in Halifax; and at a meeting of the Chamber of Commerce a few days ago, members of that body expressed themselves very strongly against the action of the Government—members

*Hon. Mr. Botsford.*

who usually measure their remarks in speaking on any subject, in a very careful way. A joint committee of the Chamber of Commerce and the City Council had a meeting at Halifax last year, at which Mr. Brydges was asked to attend, and at which he did make an appearance. The matter was fully discussed, and Mr. Brydges expressed himself very favorably impressed with the proposition then made. He said he would do all he could. A delegation to the Government was suggested, but Mr. Brydges said it was quite unnecessary, as he had full powers to act. Another meeting was held, at which it was understood that the Government would carry grain from Riviere du Loup to Halifax at 1s. 3d. per quarter. Subsequent to that, Sir Hugh Allan arrived at Halifax, and a meeting was called, at which he was present. He was told of the negotiations that had been going on up to that time, and he thought very favorably of the proposition, and was under the impression that the grain trade could be carried on from Halifax, and he promised he would do all he could to forward it. Subsequent to this the Committee sent a delegate—Mr. Black—up to complete preparations. He came up, saw Mr. Brydges, and Mr. Brydges repudiated the agreement altogether. Then Mr. Black went to the Government, and the Government would give him no satisfaction at all. He returned to Halifax and prepared his report, which he handed to the Committee. That was on the 11th of December. Some members of the Committee asked that it might be delayed for further communication with the Government. This time we were on the eve of an election in Halifax, and the present Minister of Militia, was about to go to the polls. After communication with the Government, they agreed to carry 2 cargoes as an experiment, from Riviere du Loup to Halifax. I leave it to this House to say what influence the election of the Minister of Militia had upon that conclusion. During these negotiations a difficulty arose about the expense of bagging the grain. The Grand Trunk Railway Company offered to pay half of the expense, but the Government refused to pay any. Now, I think that, under the circumstances, in an operation of that kind, it was a very small and cheese-paring policy, and un-

worthy of the Government, to refuse to bear their half of the expense. The people of Halifax then agreed to pay that half, although we thought that, while the Government were spending millions on canals, it was rather small to refuse to spend a few dollars in trying an experiment of such importance. Mr. Black was sent on a second mission to carry out the arrangement. He went on to Montreal and found it was then too late. I will read a portion of his report, dated March 12th. It is as follows:—

“Messrs. Allan say that they had selected three steamers on which to carry these cargoes, but as the time had passed when they expected them to have been so employed, and as they could not learn from the managers of either railway that any cargoes were on the way, they were obliged to use them for other purposes, and now the only one of the three that might be available, the “Hibernian,” was broken down, and they could not say how soon she could be got ready, but they would let me know when I returned from Chicago, at which time they would also give me a letter containing their views on the winter port business.”

I will now read an extract from Sir Hugh Allan's letter, dated Montreal, 6th March, 1878:—

“A great difficulty exists in having to deal with so many railroad companies on the route, and it would be absolutely necessary that the managers of the different railroad companies should meet together and decide upon a division of the rate. That has not yet been done, but I think the result would be greatly facilitated if the Government were to acquire the line of the Grand Trunk Railway from Riviere du Loup to Quebec. If the Railroad Company would then undertake to carry produce to Quebec, and deliver it to the Intercolonial at the same rates that is done at New York, Baltimore and Philadelphia, an agreement could be more easily arrived at. The attempts which have been hitherto made in that direction have entirely failed.

“It is now too late to do anything this winter, but I hope before another winter comes round, matters will be in such a state as to enable us, at any rate, to make a commencement of the business; and I can only again assure you of my anxiety and strong desire to attain this object successfully.”

I hope the Government will unite in this strong desire which Sir Hugh Allan expresses, to make this experiment a success. I have never said one word about the “steel rails” in this House, and I never will, provided the Government will buy that Riviere du Loup branch of the Grand Trunk Railway, and will use those steel rails that are rusting in heaps over the country, and on

Hon. Mr. Northrup.

which we are paying storage. I am sure no better use could be made of them. The Government may do what they like with the old rails, and give them to any branch that will be a feeder to the Intercolonial. I remember seeing, some time ago, a notice of the meeting of the Grand Trunk shareholders, where it was stated that negotiations had been opened by the Dominion Government for the purchase (or some satisfactory arrangement) of the Riviere du Loup Branch. Perhaps the Government will inform us whether we are likely to get that piece of road, because unless we get it, there will always be a difficulty in working the Intercolonial successfully. Hon. gentlemen must understand that the great men who originated that railroad, with a view to national purposes—some of them have passed away—did not intend it for mercantile purposes mainly, but to unite these Provinces and create inter-provincial trade. There is no use in trying to make it a paying road on commercial principles for some time yet. Perhaps if we were to call it a winter canal, our Ontario friends would be more inclined to help it along. We hear about wheat that is locked up in Manitoba, and we hear also that railroads are being built to carry that wheat into the United States. I hope the Government will cease building in that direction, and construct roads to bring it down to Halifax, the finest harbor in the world; yet, though we are the largest ship-owners in the world, according to our population, there are few of the ships that are built in Nova Scotia that ever enter Nova Scotia ports again. They are employed abroad. Every ship of a thousand tons burden, which loads at a port like New York or Boston, spends for disbursements about three thousand dollars. Hon. gentlemen can imagine the importance of such an expenditure as this when they consider that a large number of our vessels are employed abroad, because we have no trade for them at home. We want to build up this inter-provincial trade, and to unite the Provinces together by means of the Intercolonial Railway. I heard a good deal about what this Intercolonial Railway cost last year. I have reason to believe, for I have it from very good authority, that after charging to the road all that ought fairly to

be put against it, it is only \$50,000 short. I will endeavor to show hon. gentlemen from Ontario before I sit down what benefit they have derived from it, and I hope my hon. friend from Woodstock will be satisfied the railway is not going to be such a ruinous thing to the Dominion as he supposes. We feel very sorely about the West India trade. The Finance Minister said in his Budget Speech that there was to be no change in the tariff, and that the Government were unanimous on that point. Now, I thought we had one or two friends in the Government, but it seems we have none. Then there is the coal trade; that is gone altogether also. As the hon. member from Lunenburg said the other day, we have twelve millions of dollars invested in the coal trade, and that investment is deteriorating every day, and if something is not done very soon, it will be utterly lost. We asked only 50 cents a ton protection for that trade, but the Government say that would be no use—we would require at least two dollars a ton. I should think the men who have the money invested in the coal trade ought to know better than the Government what they require to serve their own interests. I regret to say that my hearing is bad, and the acoustics of this Chamber are very imperfect, so that it is almost impossible for me to follow the debates. But I did hear the hon. gentleman from Montreal (Mr. Penny) the other day make some remarks. He quoted a speech of Sir John Macdonald delivered ten years ago to endeavour to prove that he was inconsistent. Ten years is quite a period in a young country like ours with a neighbouring nation of forty millions of people sharp, energetic, and ready for anything. Their public men are as sharp as needles, to wit; the duty on lobster cans and on cod fish oil when prepared in a certain way and the refusal of the use of their canals. But we have Brother Jonathan hooked by the gills at last, and he weighs over a million pounds. He is rushing about endeavouring to free himself by taking a great deal of line off the reel, but I think John Bull will land him safely and surely if he has not other fish to fry. It may be inevitable that he will have a hug with the Russian Bear, and I have no doubt if he should he will come out all right. The hon. gentleman from Montreal speaks

*Hon. Mr. Northup.*

about the state of affairs which existed ten years ago. Is there a gentleman in this Dominion who knows more about what occurs in a decade than an hon. gentleman of his intelligence, who has an opportunity of learning day by day of the changes taking place in the world and heralding them forth? No man knows better than he that change is written on the face of everything. What was our condition in Nova Scotia ten years ago? Our West India trade was flourishing. Where is it now? Some of our oldest houses engaged in that trade have gone down, and there is no telling where the depression will end. Ten years ago our coal trade was in a flourishing condition. Where is it now? Gone to ruin; and why? Because, while the United States were passing measures to protect their own people and to kill our industries, the Government of this country stood silently by and would do nothing to help us. It was their duty to have enacted laws to counteract the measures adopted in the United States, and no statesmen or men having heads on their shoulders, would have stood quietly by while our industries were being stricken down, without making a move to prevent it. I speak strongly on this point, because I don't know what day we in Halifax may find our oldest houses going down. I attribute it to the inaction of the present Government. Ever since lines of steamers have been established on the Atlantic we have had regular mails from Halifax to Europe. The hon. Secretary of State told us the other day that the subsidy to this line would be withdrawn. The people of Nova Scotia have always relied on the fortnightly mail for getting their goods, and it has been so regular that they could almost count to a day when the vessels would arrive, but that line may be withdrawn. That is a very serious matter for Halifax, and it appears to me it is going forward crab fashion. Between thirty and forty years we have had those boats running. I will not enlarge upon this subject, because my hon. friend from Cumberland (Mr. Dickey) stated the thing fully and clearly last year, and it is unnecessary for me to say anything more about it. I have been in business about forty-two years. This is the fourth crisis that has occurred during that period. I think that this is far worse than all the

others put together, and, as I said before, I attribute it in a great measure to the want of action on the part of this Government. We have nothing to rely upon now but our fisheries and shipping, and it is well we have those interests to depend on. I believe last year our fisheries realized between five and six millions of dollars, and our farmers have done pretty well. Our ships are not working profitably on account of the low rate of freights. I thought the winter port question was settled, but it does not seem to be. I thought Halifax was pretty well established as the winter port of the Dominion. All must see how well things work on that line and its great advantages. Passengers who left Montreal on Friday night at 10 o'clock, arrived in Halifax at 1.30 on Sunday, and were landed in Ireland the following Sunday. My hon. friend Mr. Muirhead, who I am glad to see in his place, reached here on Thursday last, just from England, in seven days and nine hours from Derry to Halifax, and eight hours from thence to Miramichi. Surely with all the safety and comfort this route gives it ought to be satisfactory, but I find a scheme of Mr. Sewell for running a line of steamers from Quebec all the year round has been discussed in the House of Commons and the Premier is reported to have said:—

“The Government were now considering the idea of a winter port down the St. Lawrence, but had not much money to put into a trial venture. The question was one for further enquiry, and the Government would be lax in their duties did they not prosecute the enquiry to some result. He was anxious that it should result in the solution contended for by the member for Levis. He hoped the member for Levis would feel satisfied with the discussion so far, and would not prosecute it further.”

I cannot account for this except for the fact that the elections are soon to take place. I cannot understand why such an impracticable undertaking should be thought of or discussed. A man who would go out of Quebec in the winter time to navigate the Gulf of St. Lawrence would be taking his life in his hands. Some members spoke about shipping lumber, but don't we know that during the open season more lumber is shipped than the English market requires. In confirmation of this, I would refer the hon. gentleman to Mr. Wark and Mr. Muirhead, who from personal knowledge, are well able to give in-

Hon. Mr. Northrup.

formation on the subject. I think they would state it as a perfectly mad scheme. The Government have lately had a trial of Mr. Sewell's boats, and the people of Prince Edward Island know pretty well what the result of that trial has been. To make it at all successful, a very large sum would have to be expended in building breakwaters. I am of the opinion that any money prudently spent would be well invested, because Prince Edward Island is a most valuable Province, calculated to produce an enormous amount of wealth. Any scheme that would overcome the difficulty of communicating with that Province in winter, I would most heartily support. I would advise the Government the next time they think of adopting any scheme, not to try one proposed by a man who has a bee in his bonnet. I want to say something with regard to the trade of the Maritime Provinces over the Intercolonial. There passed from Riviere du Loup into the Maritime Provinces in 1877, 8214 carloads of goods, 27 carloads every working day in the year, valued at \$17,000,000 independent of through traffic for transshipment. This is what the Halifax delegates, Mr. Brynner and Mr. Dwyer, showed at the meeting of the Board of Trade, held in this city in January last. The statement was made up from data furnished by the Superintendent, and any gentleman who has not read their speeches, reported in the proceedings, I would respectfully ask them, in the interests of the Dominion, to do so. They say in their report that it was an easy task to dwell upon the importance of the Intercolonial Railway to the Upper Provinces, as the statistics kindly furnished enabled them to give an approximate valuation of the produce and manufactures of Ontario and Quebec distributed by the road during the year 1877; the estimated value being \$17,000,000, nearly three-fourths of which would be for manufactured goods. In this connection it is believed that if a proper system were established to furnish statistics of the Inter-provincial trade, it could be shown that the amount named is a low valuation, but, as it is, it affords ample testimony of the impulse which the road has given to this branch of commerce, and especially so, when we reflect that the estimated value of the whole trade of old Canada with the Maritime Provinces,

Newfoundland included, was for the year previous to the opening of the Intercolonial between 10 and 11 millions, and for the year previous to Confederation only \$1,517,116. There was also the Portland route working with Halifax during the past summer—and it is still in operation with St. John, N. B., and four steamers running during the whole season between Montreal, Quebec and the Gulf ports; the amount of property thus carried must be very large. Besides this, there were many other opportunities for shipment by steam and sail from Montreal to Halifax, St. John, and Prince Edward Island, the value of which there are no means at the present time of ascertaining. However, the comparison of the figures given will afford some idea of the great change which has taken place in our trade relations within the past eleven years. If the trade is valuable to any country that trade must be to Ontario. We have heard a good deal about “milking the Ontario cow”, and I presume she would be milked much harder if the Government are disposed to give fair play. Now, let us look at the other side of the shield. We find in a statement made by Mr. Dwyer at the annual meeting of the Chamber of Commerce, a few days ago, that the trade upward had not increased. The evidence on the subject showed that there was comparatively little trade to the Upper Provinces; that it had not increased. Why is this? Because we are supplying no coal to the Upper Provinces. We are sending up no sugar to be refined. If that is not jug-handle trade I don't know what is. All this money is taken out of the Maritime Provinces. We have had no return traffic. We don't grudge it to the Upper Provinces, but we ask them to do something for us in return. The Government have very kindly built us a new depot, but we find it is entirely too small, and facilities should be extended as promised. I went up there last summer, and found it crowded with goods, and I was told that there were eighteen car loads of goods from Ontario, and the consignees wanted them, but there was no room to land them. It is just as much for the interest of Ontario to have that depot enlarged as it is for the people of Halifax. What is worse, after all this large sum of money has been spent, all this western traffic has to go from the old

*Hon. Mr. Northrup*

depot. A man sends up a load of goods and what is he to do? He goes to the Intercolonial Railway, and there he has to unload, first in that depot, and then proceed to the other. It is a most unfortunate thing that the depot was not made large enough while they were about it. When this Government came into power, they made a change in the tariff on the Intercolonial Railway, by which a large number of industries between Halifax, and fifty or sixty miles up the road, were stricken down. The tariff was such that they could not be continued. What is more, we have been in the habit of building ships at Halifax, but there has not been a keel laid there for some time. My hon. friend, Mr. McLelan, clearly showed on the floor of this House, that they have not only stricken down the industries along the line of railway, but they have reduced the earnings of the road. Their policy struck both ways. What is more, the farmers who live alongside that railway, and who had paid the right of way of that road, were all driven off. In Nova Scotia, I may explain, the main roads of the country were kept up by Government grants. When the railway was completed, main roads of the country going in the direction of the track, it was supposed, would not be used again, and were let go out of repair. The consequence was that they were left to depend upon the railroad, and very bad usage they received. The firm with which I am connected have been interested in building ships for the last twenty-five years at Maitland, where 12,000 tons of shipping have been put off in one year, and as fine ships turned off as there are in the Province. The trade has been stricken down, and I will give an instance of it. Last year a ship in which I was interested was launched. Almost everything put into that vessel was obtained from St. John and the States, and the chains, anchors and wire rigging only, from England. I felt the force of Hon. Mr. Miller's remarks the other day, when speaking of the duty *per capita*. That hon. gentleman ably defends our interests at all times, and I may say in confirmation of his statement that one or two schooners are kept constantly running, during the open season, between St. John and Maitland, and only water casks for

this vessel were sent from Halifax, and would not have been, but a chance offered of sending them by water. We are now building a vessel of about 1,600 tons at Maitland, and we get from the United States our iron, canvas, spikes, flour and meal. In that one instance \$10,000 has been paid to the United States for materials we should have got at home. This may explain why we took \$5,000,000 more from them last year, and they took \$4,000,000 less from us. From the present outlook the time is not far distant when everything entering into the building and outfit of vessels will be got cheaper in the United States than in England. I was strongly struck with the following paragraph in one of our papers:—

“The imports and exports of the United States furnish a singular commentary on the statement that the country is being ‘ruined by Protection.’ We fancy it would be a good thing for the Dominion if it was being ‘ruined’ in the same way. During the month of January the exports exceeded the imports by \$3,445,907; and during the seven months ending 31st January, the excess of exports over imports amounted to the enormous sum of \$135,699,137. The Dominion, as we have already stated, showed a balance of \$20,000,000 the other way in 1877.”

It appears to me there is nothing this Government touches.—I don’t say it is intentionally—that does not hurt Halifax. They transferred the Windsor Branch to the Western Counties Railroad, and the interruption of trade is a very serious thing for Halifax. A quarrel arose between the two companies; goods had to be changed at Windsor, and everything was knocked about, so much so, that the people would not order, and the tariff was put up from 25 to 50 per cent. The result was, Halifax lost the sale of the goods, that trade went to New Brunswick and the United States, and a large quantity which should have come to Halifax did not come. Fancy such a tariff as this—a barrel of flour, from Halifax to Bridgetown, a distance of 80 miles, 50 cents—while from Portland to Bridgetown it is only 36 cents. This matter, I notice, has been brought up by one of the members of the Local Legislature, who made a charge against the Provincial Secretary. He stated:—“I remonstrated, but could do nothing.” I take it he remonstrated with the Government there, because, if I understand it, no tariff is legal unless approved of by the Dominion Government.

Hon. Mr. Northup.

Therefore, I think it fairly comes home to them.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. NORTHUP—I felt this to be a matter affecting Halifax so materially that I would have done wrong if I had not spoken of it. I have such profound respect for this honorable body that the ship I am building I am going to call the “Senator,” and you may rely upon it that wherever she goes she will do you no discredit. She will be as fine a craft as ever was launched in Nova Scotia. I hope she will have your good wishes for her success, and whenever you see it announced that the good ship “Senator,” Captain Fulton, has arrived anywhere, you will know she is representing this body. Capt. Fulton is a sharp fellow, and fit to command a ship. When he sees a gale coming, he reefs his sails, snugs things up, and gets his tackle ready. He has a good man on the lookout, and a good man at the helm, and he takes his position on the quarter deck and watches everything until the gale is over. Then, when the fine weather comes, he unreefs his sails, throws his canvas to the breeze and sails away. There is another good ship—the ship of State,—a good ship she was, and had a good captain. For twenty years she braved the seas and rode triumphantly on the waves, but in an evil day for this country, because a cry was raised that she was to be swamped in the Pacific, the people discharged their old captain and put Captain Mackenzie in charge. And where is that ship now? Drifting helplessly in the gale with her sails flying in tatters, and ropes flying in every direction. And where is the crew? Paralyzed and useless. If Capt. Macdonald is not very soon reinstated in command she will drift hopelessly on the rock falsely called free trade, and there will be an end of her.

Hon. Mr. POWER—I felt somewhat disposed to quarrel with the hon. gentleman who has introduced this resolution, because he went a very long way indeed outside the notice he put on the paper, which was simply with reference to the transporting of grain to Halifax. The hon. gentleman in his speech travelled over the whole of the commercial policy of the Government, and attacked it on all points. No member of the House could

be expected, I presume, to be in a position to answer a speech of that kind without notice. Not even the members of the Government, though they are the most competent to do so, are prepared to reply on such very short notice. I must say, however, that when the hon. gentleman told us that he was going to call his ship after us individually and collectively, any feeling of indignation that might have stirred my bosom disappeared. I was a little amused at an hon. gentleman coming from a free trade province, telling us that the most terrific calamity that Nova Scotia could meet with was to strike on the rock of free trade.

Hon. Mr. NORTHUP—I said a false free trade.

Hon. Mr. POWER—The hon. gentleman thought duties should be put on or increased on certain articles. I do not think that what he meant by protection is what is meant by gentlemen in the other end of the building when they say that protection consists in reducing duties. The hon. gentleman, when he spoke of protection meant increased duties. I was very much surprised that the hon. gentleman should proclaim such a doctrine on the floor of this House, or anywhere else. He spoke about the tariff on the Windsor and Annapolis Branch Railway being raised. That road is now controlled by the Dominion Government, but by a private company. The raising of that tariff is hardly a matter which the Government had much to do with. Then the hon. gentleman told us in speaking of the good ship "Senator," which is building at Maitland, and which is to be a credit to this body, and to the builder, and to the Province of Nova Scotia, nearly all of his supplies for that vessel were purchased in the United States, and he seemed to think that it was a great calamity that he was getting those supplies cheaper in the United States than he could get them at home.

Hon. Mr. NORTHUP—I did not say it was a calamity.

Hon. Mr. POWER—The hon. gentleman spoke in that way. I want to know whether he thinks the Government ought to make those articles a great deal dearer by increasing the duties!

Hon. Mr. HOPE—Hear, hear.

*Hon. Mr. Power.*

Hon. Mr. NORTHUP—All I have to say is this, that what we call protection in the neighboring country has brought about this state of things, that we can buy everything far cheaper than in Great Britain.

Hon. Mr. POWER—The hon. gentleman has not answered my question at all. We are not now discussing the policy of the United States, but the policy of this country. And I want to know whether the hon. gentleman thinks that the Government of Canada should impose a duty on these articles used in shipbuilding, so as to shut them out?

Hon. Mr. NORTHUP—One of my complaints was, the Government had put such a high tariff on the railroad that we cannot send anything by it.

Hon. Mr. POWER—You can send them as well by water, direct from England, or you can get them from St. John, if necessary.

Hon. Mr. McLELAN—He can get them from the United States.

Hon. Mr. POWER—He told us he did get them from the United States. He told us about the change of tariff on the Intercolonial Railway in 1874. He left out of sight completely the fact that the tariff had been changed again since that time, and so adjusted that it gives very general satisfaction. The hon. gentleman told us that, at the terminus in Halifax, there was not sufficient accommodation for freight that came down by the Western branch of the railway; and that it had to go to the old depot. Until the present Government took up this question of the terminus in Halifax, all the freight had to go to the old depot. I think the Government are perfectly right in providing accommodation for goods coming by the Intercolonial Railway first, and giving such goods a preference over freight by private roads. The hon. gentleman spoke at considerable length of the amount of freight over the Intercolonial. I would like to call attention to that fact, because it shows this—and I think the experience of every hon. gentleman here who has gone over that road, or had anything to do with it, must agree with me—that the Intercolonial Railway is not only one of the best on the continent, but is one of the best managed. The management

reflects infinite credit on the Department of Public Works who manage it so well. The hon. gentleman stated that in another place the Finance Minister had said that the Government were unanimous on the question of the Sugar tariff. Now, I listened to the speech of the Finance Minister with a good deal of attention, and I don't remember that he said that the Government were unanimous. He said that they had come to the conclusion that they would not disturb the tariff this year; and it was not said that they were unanimous on the sugar question. I know they are not.

Hon. Mr. CAMPBELL—The Government are always unanimous?

Hon. Mr. POWER—Of course they are in one sense because when the private opinion of any member of the Government is over-ruled by a majority he has to give way, unless the matter is of very vital importance. The hon. gentleman told us that the coal trade was ruined and that this was due to the inaction of the Government. From what one sees in the papers it is apparent the United States coal trade is ruined as well as our own. Surely the conduct of the Dominion Government has not ruined the American coal trade. I am not now expressing any opinion on the advisability of putting a duty on American coal. Possibly, if that question were before the House, I should be disposed to vote in the same way as the hon. gentleman who has just sat down. But I do not think that the question has been brought before the House in the proper way. Then, with reference to the matter which has been regularly brought before the House, I may say that I read Mr. Black's first report after he came back from the Upper Provinces to Halifax, after his interview with the Premier. He did not say then that the Government had repudiated the agreement to carry two cargoes at the stipulated rate. He did not complain of the conduct of the Government at all at that time. The first complaint against the Government appeared in Mr. Black's letter, which was published in the papers the day before the election in the county of Halifax, and as the hon. Senator has said something about influencing the election, I may say that it was generally understood that that letter was written

*Hon. Mr. Power.*

with a view to influencing voters. I have before me what the hon. gentleman has alluded to—Mr. Black's second report. He says that he was sent the second time by the Chamber of Commerce to Montreal and the west, to see about the matter. I think any gentleman who will read the report will see that, so far as this grain trade *via* Halifax is concerned, there is no blame justly to be attached to the Government. Mr. Black says in the beginning of his report:—

“Finding that new difficulties, which had not been previously anticipated, had lately arisen, of such a nature that Government aid would not avail, I concluded it was not necessary for me to again interview the Government unless said difficulties could be overcome.”

“At Montreal I found that both the Grand Trunk Railway and Messrs. Allan were, as previously, most anxious to have the route opened, but that, as the latter thought they ought to get from Riviere du Loup the same rate that transient steamers could now get at Portland, where they were in demand on account of the excess of freight at that port, and as the Grand Trunk Railway could not give from Riviere du Loup a greater proportion than they were paying the Dominion and Beaver lines of steamers without breaking their contracts with those lines, it had, so far, been impossible for them to agree upon a rate. The Grand Trunk Railway say that if Messrs. Allan will agree to the same terms from Riviere du Loup that their Dominion and Beaver contracts call for, they will immediately try their best to get one or two cargoes in Ontario, but they do not wish to carry more than is necessary for these two cargoes, as the surplus would be left at Halifax to go at higher rates; therefore they wish Messrs. Allan to mention name of steamer, so that they may know how much to engage, or else to agree to carry what surplus may remain on their regular steamers at same rates.”

It will be seen then that the Government were not standing in the way. The difficulty, it appears, was with the Railway and Steamship Companies. Mr. Black then went from Montreal to Chicago, and he says:—

“At Chicago, I met on 'Change a number of the largest shippers, from whom I learned that at present there was not the slightest probability of any business being done *via* Halifax, for the following reasons: The length of time on the road, the uncertainty as to what vessel the goods would go on, and the rate of inland freights. The rate of freight on grain and other heavy goods is now 10 cents per 100 lbs. from Chicago and St. Louis to the seaboard; this, if brought by the Grand Trunk Railway to either Riviere du Loup or Portland, would give that road comparatively nothing. And as to the other reasons, freight now is engaged for a certain named vessel, it leaves Chicago on Tuesday, and on the following Saturday it is on board the ves-

sel named, and proceeding to sea; this despatch cannot possibly be approximated by Canadian routes; nor can any freight from Chicago be certain to meet any desired steamer at Portland. Despatch is of vital importance to Chicago shippers, and until that is established, and any elevator built at Halifax, traffic cannot be expected to change from old tried routes. Grain goes in bulk on steamers from New York, except sufficient in bags to trim the vessel, and there is no reason why it should not do so from Halifax.

"The Grand Trunk Railway is not getting any traffic from Chicago at present, except for local points, as owing to the low rates, so long an inland route cannot possibly compete with shorter lines running to the seaboard. The Chicago merchants say that if the route is expected to succeed, even if rates were equalized, the Messrs. Allan will be compelled to have an agent resident there with whom shippers can deal directly, and who will be empowered to bind that Company by contract."

There is not a word about anything that the Government could do in the matter. The only reference to the Government in the whole report is in Sir Hugh Allan's letter, in which he says an arrangement with the Grand Trunk Railway might be greatly facilitated if the Government would acquire the Riviere du Loup branch. That is a very important question of policy; and I believe it has been in a certain way before the Government, but not for any length of time. It is just barely possible that, if the Government should acquire the control of the Riviere du Loup branch, the Grand Trunk Railway might then, having a longer mileage on the Portland branch of their road, be tempted to discriminate against the Riviere du Loup branch and Halifax. Of course, that is a thing which the Government would have to guard against. There is another matter in which I am perfectly in accord with the hon. gentleman, and that is the fortnightly mail service between Halifax and Europe. The members from the Lower Provinces were very much disappointed indeed when the hon. Secretary of State gave the reply which he did to the question asked on that subject by the hon. member from Cumberland. The reply perhaps was not as decided in tone as it might have been, and I hope that the Government may have since that time reconsidered the matter, and that we may have a different answer before the end of the Session.

Hon. Mr. KAULBACH—It appears to me the hon. Senator from Halifax (Mr. Power) has again endeavoured, if possible,

*Hon. Mr. Power.*

to help the Government in defeating the great interests of Nova Scotia, and especially of the Port of Halifax, just in the same way as he did the fortnightly mail service. My hon. friend must well have known, and does know, that the great pervading question on which the Minister of Militia was elected at Halifax at the last election, was the promise of the Government aided by the return of the Government candidate, to make if possible that place the grain port of the Dominion. The leader of the Government actually promised immediately to send two cargoes. The electors very reasonably believed that it was their interest to return a member of the Government, and place him in the position at that time, and then, backed, as he would be, by the people of Halifax, something would be done towards bringing about that result making Halifax the winter grain port. At least they decided to give the Government and Mr. Jones a trial; yet we find the hon. Senator from Halifax (Mr. Power) after helping at this election in making it one of the most prominent planks in the Ministerial platform, and well knowing the electors were deceived, endeavouring, by every means possible, to assist the Government with some excuse to slip out of their engagement, and to shift the responsibility from their shoulders. I do not consider that is fair of my hon. friend, coming from Halifax as he does, and knowing how deeply the people of that city are interested in having the grain trade established there. The election turned on that question. The leader of the Government said "we will make the experiment and send down two loads." Mark you, this was just before the election, but since the election we have heard nothing about it, and the Government has not made one step to do anything but, on the contrary, has thrown every obstacle in the way.

Hon. Mr. MACPHERSON—Do you mean to say that the two loads never went down!

Hon. Mr. KAULBACH—Never. Mr. Brydges, before the election, stated that he had the whole matter in his hands, and he told the Chamber of Commerce at Halifax, in effect, that it would be done; but after the election, when the "Austrian" was there, ready for a cargo, Mr. Brydges said he knew nothing at all

about it, and threw cold water on the whole affair. The fact is, the subordinates of the Government run the Government, and the Ministry are subordinate to them. It is well known that the Minister of Militia is agent for a line of steamers hostile to the port of Halifax, and it is believed that Mr. Brydges holds stock in it. I fear there is yet something more behind the scenes—some influences brought to bear on the Government, by parties who ought not to have influenced them, to the detriment of the country, particularly to the “Intercolonial” and the port of Halifax. I am sorry that the hearing of my hon. friend (Mr. Northup) is such that he cannot come oftener before the House, and propound his views on trade and finance, because his long experience in such matters would have a beneficial effect, not only on Nova Scotia, but the whole Dominion. To-day he has favored us with a large amount of information which must be of great value. My hon. friend from Halifax talked about the sugar duties. He knows it is a vital question to Nova Scotia—I believe one of the most important that could engage the attention of the people of that country. It involves not only our large shipping interests, but our coal and iron industries as well. The hon. gentleman, the Minister of Militia, comes up here avowedly standing in a hostile attitude to the policy of the Government on that important subject, and the hon. gentleman (Mr. Scott) calls it a question of trifling importance. I say the Government are not in accord on the subject, and the Minister of Militia stands in a false position in the Government. Our fishing and shipping interests depend on that, and, I may say, the flour interests of Ontario also, to a certain extent. The re-adjustment of the sugar duties would not raise the price of sugar to the consumer, or affect the revenue; but, as matters are at present, we are obliged to get what we consume from the United States, and the consequence is, we have to take our return cargoes of sugars to the United States, and purchase flour and other products of that country in return, which we could get as readily, or more readily, from Ontario, without increasing the price to the consumers, if the trade were running in the right channel. I say not only

*Hon. Mr. Kaulbach.*

Nova Scotia, but the whole Dominion, and especially Ontario, should feel interested in this sugar question, because it involves so many other interests. I cannot see how any hon. gentlemen from Nova Scotia can sustain the Government, or a member of the Government, who oppose not only the interests of that Province, but of the whole country. There has been a good deal said about the Maritime calves milking the Ontario cow. If the policy of the Government lasts much longer, and they continue in power, Ontario will have very little milk to give. As the British Consul at Toronto said recently, the Americans have nearly the whole Ontario market. I consider that the Government are not dealing fairly with this question. And when the hon. Senator from Halifax says the people of Nova Scotia are satisfied with the manner in which the local traffic on the Intercolonial Railway is managed, and the policy pursued in the general management of the local roads, which are to a large extent, under the control of the Government, he states what is very different from my information and experience. The through traffic is so inconsistent with local traffic as to prove seriously detrimental to the trade of Halifax and the Province at large. As far as winter navigation from Quebec is concerned, of which the Government seem to approve, I agree with my hon. friend (Mr. Northup) it would be a most dangerous experiment, even if the Government had money to waste in a matter of this kind. It must prove detrimental to life and property if attempted. As regards the shipping interests of Nova Scotia, what has enabled the United States to build ships that sail on every sea?

Hon. Mr. PENNY—They have no ships.

Hon. Mr. KAULBACH—They have ships, and nearly as many as they had before the war, and they have got them, and the carrying trade besides, by the policy of protecting their native industries and commerce. We are obliged to pay more for our ships in consequence of the unpatriotic policy of the Government—a Government which, but for the strenuous exertions of its opponents, would have forced taxation upon our shipping mate

rials, whilst the Government preceding them took off the duties. It does not well become the hon. Senator from Halifax to sustain this Government, which has endeavored to tax that industry, as well as every other that benefits Halifax. I should be proud to see this Dominion furnishing, as it could and ought to furnish, three-fourths of the material which went into the making up of the ship "Senator," of which we have heard to-day, and which had to be purchased from the United States. I believe that it could be done under a proper readjustment of the tariff, which would take off the taxation to a large extent, from materials which we cannot produce ourselves, and put it on others which we do, or could, produce. Instead of increasing the expense of such materials to Nova Scotia, I believe it would be a lightening of the taxation and it does not become the hon. Senator from Halifax to say that such a policy would be destructive to the people of Nova Scotia.

Hon. Mr. POWER — Is the hon. gentleman a free-trader in shipping material?

Hon. Mr. KAULBACH — I cannot be what does not exist. We have no free trade as far as the interests of Nova Scotia are concerned, we are only free to buy but not to sell. I say we have no free-trade of any kind, though I believe there are many things upon which taxation can be lowered. A national policy in the interests of the shipping of Nova Scotia, as well as in the interest of every other industry natural to the country generally, would decrease taxation on some articles, and increase it on others; but, in the main, would decrease the cost of the common necessities of life, and with it the cost and expenses to the ship-builder; not only that, but build up such a profitable and extended trade for our vessels that they would (more than commensurate with the cost) have a large profit, even should the cost of construction be greater. Therefore, in more ways than one, in fact in every way, by adopting a policy upon the principle such as the United States has enforced and prospered under, we can encourage the varied industries of the Dominion, and make our country prosperous without increasing the burdens upon the people.

*Hon. Mr. Kaulbach.*

Hon. Mr. McLELAN—It appears to me that the Government does not occupy the proper position in respect to this matter of a winter port at Halifax, for the shipment of grain and other produce of this Dominion to foreign markets. The people of Canada have about \$36,000,000 invested in railroads—that is, taking all the Government roads. And it is the duty of the Government to take the initiative in all matters which would increase the traffic upon the lines of railway under their control, and make the deficiencies, that appear in the account of those lines, a surplus if possible. But although they have this large interest in the railroad, the people of Halifax have found it impossible to get from the Government any answer as to what they would do in this question. The report of Mr. Black, at first, said nothing could be done, but when certain things were occurring in Halifax, and it was important to the Government that the people should be influenced in a certain way, they were told that two cargoes would be carried at a given rate over the Intercolonial Railway. Any hon. gentleman will see that no company in Halifax would have been justified, on that promise, in building elevators, and making arrangements for the trade when the Government had not estimated the sum for which they would do a regular business. No man will make arrangement for anything connected with that trade unless he is apprised of the rate at which the Government will carry, and continue to carry. No answer has been given to the people of Halifax yet as to what that rate will be; nor has any intimation been given as to what they are disposed to do. Now, I think the Government should, in justice to the people of Halifax, give them the figures at which they will do a regular business, and enable the merchants there to establish this trade. My hon. friend (Mr. Macpherson) seems surprised that the two cargoes were not carried over the road.

Hon. Mr. MACPHERSON—Has nothing at all gone?

Hon. Mr. McLELAN—Not a kernel of wheat, only chaff, and that we are tired of. If the Government will do their part the people of Halifax will do all that is necessary to start the trade and continue it. Let the Government name the figure

at which they will carry grain, and if that figure will warrant the merchants in establishing the trade, they will do the rest. My hon. friend (Mr. Northup) says the Government should not run the road upon commercial principles. The Government have not only to look to the road itself, but to the whole country, and if the people do not receive the benefit on one side, the Government have to consider whether in another aspect of the question a more than counterbalancing benefit may not be derived. I believe there are about 50,000 tons of freight shipped at American ports, the produce of Ontario and Quebec, during the winter season. My hon. friend from Halifax has told the House the amount of disbursements that every vessel carrying 5,000 quarters of grain would make while loading—something like \$3,000. You can understand what an advantage such an expenditure as that would be to Halifax if it were made there, instead of at Portland, New York or Boston. Therefore, the Government should look not only to what the results would be to the road alone, but also to the people of the Dominion at large. Reference has been made to the trade of Halifax, and I think the hon. gentleman has not over-stated the position of that city at present—that almost every interest which was formerly prosperous there has been depressed, and the trade drawn away from it. The Government have given facilities to the merchants of Ontario and Quebec to send their goods all over the country by the Intercolonial, in a manner that is lessening the sales of the merchants of Halifax. The West India trade, which was the life of that city for a long period—as long as we can remember, almost—has, through the change in the sugar duties, to a large extent, been destroyed. The hon. the Minister of Militia, last year, in his place in Parliament, stated that the trade of the Maritime Provinces was worth \$3,000,000 annually, and the policy the Government were pursuing was surely destroying that trade and giving it to the United States. I only mention this as one point on which the city of Halifax has suffered, and I say it was the duty of the Government, if it were possible, to have entered into an arrangement to give Halifax some compensation for the many losses their trade has suffered. It is,

Hon. Mr. McLellan.

therefore, the duty of the Government not to wait to see what the Halifax merchants may do, but to take the initiative, state their terms, and, if possible, make them such as will tend to build up a trade there in the shipment of produce. It is too late to talk about this winter, but they should enter into communication with the Chamber of Commerce of Halifax, and let them know at what rate they will carry grain over the Intercolonial. And in the end, I am sure it would be better to do it even at a small direct loss, if necessary, to secure a great indirect gain, and let the arrangements be carried out in time for next year. I think the blame rested with the Government for delaying the matter. Let them state their terms at once, and the people of Halifax will know on what to depend.

Hon. Mr. PENNY—I would like to ask, what the Government were to do in this matter? Were they to bring those cargoes down? Is it to be expected they would go to Chicago and buy the grain to make this experiment?

Hon. Mr. McLELAN—They could name a rate.

Hon. Mr. PENNY—They did name a rate at which they would carry the cargoes, and that was, according to Mr. Black, perfectly satisfactory so far. The hon. member from Halifax, read from the report of Mr. Black, and stated, that after this arrangement was made, the grain did not come down. Did they suppose the Government were to buy it and afterwards bring it down?

Hon. Mr. NORTHUP—As soon as the Government gave that answer Mr. Black was sent up, but the connections were broken on the road in consequence of the delay of the Government. When we sent our delegate the first time, Mr. Brydges denied he had agreed to any rate, and said that the Government had declined to have anything to do with it.

Hon. Mr. PENNY—What I understand is that the Government had arranged to take down two cargoes, and then when they did not come down, because no one sent them, the Government were blamed for it.

Hon. Mr. NORTHUP—When Mr. Black went up the second time, the connections were broken, and it was too late.

Hon. Mr. PENNY—The hon. gentleman from Halifax read the reasons why the experiment was not tried, and none of them had anything to do with the Government. If we are to judge by Mr. Northup's remarks it would seem that every one likes to have a little free-trade for himself. My hon. friend (Mr. Northup) goes to the United States to buy materials for his ships, though he could buy them at home just as well as he could there, only that he would pay a little more for them. He could practise the protective theory if he pleased, but it is just like the Musselmen in the poem, "Who among them eat the pig up," though pork is forbidden by Mahomet. Each thought the others eat the wrong bits, but, notwithstanding, all the pig was consumed at last. In the same way everybody wants the Government to do everything for them. One hon. gentleman wants grain carried at a loss, and somebody else will want something else done at a loss, until at last my hon. friend from Saugeen, who is so anxious about the finances of the country, if this is to go on long, will have a much worse tale to tell than he has now. I think the hon. gentleman (Mr. Northup) stated things were getting worse and worse all the time in the coal and other industries, in consequence of the tariff. Yet he and every hon. gentleman in the House who has spoken in that sense, was in the Senate when the bill was passed to place the tariff on coal, sugar &c, where it is now. That was the time to have spoken, but there was nothing said about it then, because their friends were in office, and it was only when the present Government came in that they found the country was ruined, and wanted to have those duties placed on coal once more. If we were going into the sugar question at large, I could show that it was the change in the duties, made in them by the late Government, according to Mr. Drummond's statement, which had killed the loaf sugar manufacture, that that branch of the manufacture had been stopped long before the late Government had gone out of power. He was told there was a change of circumstances, but what did that amount to practically in the Dominion? It amounts to this, not that more sugar comes from the United States, because what came from there was the white sugar, which came before the present

Hon. Mr. Penny.

Government took office; but the Scotch yellows, which, of course, came from Scotland.

Hon. Gentleman—No, no.

Hon. Mr. PENNY—The yellow sugar now comes from Scotland, as hon. gentlemen will see if they look into the question.

Hon. Mr. WILMOT—There is no doubt, as stated by the hon. gentleman from Londonderry, there has been \$36,000,000 expended in these government railroads, and for what has that money been expended if not to increase an inter-provincial trade? I suppose the expenditure on the canals is also for increasing the trade between the different Provinces, and it is not expected they will pay large dividends, on commercial principles. Unfortunately narrow, selfish, local interests are often opposed to the patriotic policy that ought to embrace the interests of the Dominion as a whole. We were told before the Intercolonial was built that we could not adopt a policy favorable to our own interests which might be considered retaliatory to the policy of the United States, because they could stop the Western Provinces from getting to the sea in the winter season. Now that we have communication through our own territory, the Government should look to it, and try to encourage home trade, and not allow such an anomalous condition of affairs to continue as at present exists between this country and the United States. Look at the Treaty of Washington!

Hon. Mr. WARK—Who made the Treaty?

Hon. Mr. WILMOT—I care not who made it, but when the people of the United States were getting the use of our canals, they prevented our people using theirs on principles of reciprocity. You may call it retaliation, or what you please, but I am disposed to treat them as liberally as they treat us, and that, I believe, is the true patriotic policy for the people of Canada to adopt. If we are ever to become a nation we must have a due regard to the interests of our own country. That is the point, and when the hon. gentleman (Mr. Northup) says that these supplies come from the United States, where he can get them cheaper than anywhere else, I say it is the best proof that protection has not increased the cost of producing them, and the tariff

regulating trade does not necessarily increase the price to the consumer. The people of the United States give encouragement to their own labor, and that has brought down prices and enabled them not only to supply themselves, but to supply us and to take our West India trade from us. Instead of the people of this country paying forty to fifty per cent. taxes on molasses, sugar, coffee, and other articles that we cannot raise, the Government might as well send the taxgatherer round and collect from every person by direct taxation. If we want to increase our West India trade, let us establish a reciprocal trade with them. I referred the other day to the report of the commissioners who went to the West Indies and the Brazils some years ago. The people of those countries were willing to enter into a reciprocal trade with us, which would have been mutually beneficial, because they could supply us with articles we do not produce, and we could supply them with such articles they do not produce or manufacture. That is something the Government should look after. We should employ our own labor, and give the benefit to our own people. This one-sided free trade that we adopt,—buying in the cheapest market without any regard of how we are to pay, is a policy which can work nothing but injury to the country.

Hon. Mr. MACPHERSON—What I understand from the mover of this motion is, that the Government would not name the rates at which they would carry grain to Halifax, and the merchants of Halifax were prevented, therefore, from making such arrangements as are necessary to be made in advance in such cases. I think that is a good ground of complaint, and it seems strange to me that the Government should act in such a manner, after having expended a large sum in extending the Intercolonial Railway half a mile through Halifax for the purpose of getting to the water, to enable this foreign trade to be carried on. I think, from what I have seen, the Government have expended about three-quarters of a million dollars in extending the Intercolonial Railway into Halifax, towards the water.

Hon. Mr. McLELAN—The complaint is, they have not taken it to the water. They have expended \$640,000 in running

*Hon. Mr. Wilburt.*

it three-fourths of a mile into the city of Halifax, and the very first objection raised by Sir Hugh Allan was, it did not reach the water.

Hon. Mr. MACPHERSON—The complaint is the same. After the expenditure has taken place, the facilities are not afforded. He, furthermore, complains that the people were to a certain extent deceived last winter. They were promised that a quantity of wheat would be carried experimentally, and that, by means of this experiment, the Government could learn at what rate they could carry the grain. In consequence of that experiment not having been made, the people are still ignorant of what the rate will be, and, therefore, their trade is paralyzed.

Hon. Mr. WARK—I think the complaint seems to be that the Dominion will not carry goods at a less rate than the expense of working the railway in order to assist the city of Halifax. Under the best management which that railway can be brought, there have been deficiencies so far. If the Government offer to carry grain for one shilling and three-pence per quarter from Rivière du Loup to Halifax, it is a great deal less than Major Robertson calculated it could be carried for. His calculations were that it would be one shilling and eight pence sterling per barrel of flour from Quebec to Halifax, and a quarter amounts to eight bushels—nearly three barrels. It is evident that would be carrying goods at a loss. Is the rest of the Dominion to be taxed to make up this loss, in order that the wheat of Ontario should be shipped at Halifax instead of some other port? I am surprised at the complaint of the hon. gentleman who introduced this motion, that the people went to St. John to buy material for their ships. Surely that should be no cause of complaint. If the St. John people are able to import materials and sell them cheaper than the Halifax merchants, they deserve to get the trade. Halifax has the name of possessing a great deal of wealth, and it must not expect the Government to shoulder this experiment, and run the railway at a loss for the benefit of Halifax. The Halifax merchants must put their hands into their pockets, and go into the business in earnest. They must bring the

wheat from the producer, and erect their elevators at Halifax when it comes there, so as not to entail expense on the forwarders in the West. The views of the merchants of Halifax would seem to be that the Government should carry down the grain at half price, and tax the whole Dominion for it.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. WARK—One of the mover's complaints against the Government, was the selling of the Windsor Branch. If I remember right, there was an Order-in-Council, passed by the late Government, to transfer that branch to the Windsor & Annapolis Railway, before this Government came into power at all. But there is nothing the late Government have done wrong, but is charged to the present Administration. The sugar duties, were put on by the late Government, but the present one comes in for the blame.

Hon. Mr. McLELAN—The Windsor & Annapolis Railway was given to the Western Counties Railway, beyond them.

Hon. Mr. WARK—It was done by the late Government.

Hon. Mr. McLELAN—No; it was all one connection through, under the late Government.

Hon. Mr. WARK—But did the late Government fix the rate of toll when they agreed to transfer it? If not, why complain that the present Government has not done so?

Hon. Mr. MACFARLANE—There is no doubt that what the hon. gentleman brought before the House is of material importance not only to the city of Halifax, but of great importance to the entire Dominion. I was surprised to hear from him the traffic there has been over that road during the past year from the Upper Provinces. I find there passed 4,072 car loads of flour, amounting to over 470,000 barrels, and some 28,600 barrels of oil, I suppose from Petrolia, for which we are taxed so heavily. There have gone down 3,000 or 4,000 barrels of meal, and the traffic generally has been very large, but the capacity of that road for taking business is comparatively unlimited, and really the additional cost to the Government of adding cars enough to carry grain is so trifling compared with the vast importance of the trade which it is hoped can be es-

*Hon. Mr. Wark.*

established, that it is astonishing to every one down in the Lower Provinces that the experiment was not fairly tried. There can be little doubt the Government did not act in good faith with the people of Halifax. It is true the railroad is now doing the business of the carriage of mails and passengers, and Halifax is the final port of arrival and departure from this Dominion during the winter season. That was only decided after extreme exertions were made by the Nova Scotian representatives, and after it was predicted over and over again that the experiment would result in utter failure. I believe no one rejoices more at its success than the people of the Upper Provinces. I observe by the press that every steamer which arrives at Halifax brings out some 700 or 1000 tons of goods to be carried over our own road to the upper Provinces. It is known that the great trouble in profitably working the Intercolonial has been the lack of return freight. They have to take up the cars empty, and yet it is stated that the road is doing a better and more prosperous business during the winter season than during the summer. Whatever aids in giving freight to that road is a material interest to the whole Dominion. As I stated before it has abundant capacity, and it is now universally acknowledged to be probably the finest road for its length upon the continent, a road over which any person, who travels it once, is willing to make a second trip. I have not found a single individual who has once ventured over the road, and having experienced the safety, comfort, convenience and rapidity with which he was carried over it, that has hesitated in adopting that road again. It is then the duty of the Government to develop the trade by that line in every way they can; and it was as important to the western people as to the people of the Maritime Provinces that they should have tried this experiment fairly and fully, and given the Halifax people, an opportunity of endeavoring to secure that grain trade. My hon. friend from Montreal appears to have a very small idea of the sugar trade, and thinks it is a matter of trifling importance.

Hon. Mr. PENNY—I did not say that.

Hon. Mr. MACFARLANE—He said it was killed by the late Government.

Hon. Mr. PENNY—Yes; I said that.

Hon. Mr. MACFARLANE—I say it was crushed out by this Government, who refused to properly meet the bounty given to refiners in the United States. It was denied by the Government, only last year, that there was any bounty given in the United States to the refiners, and it was only after the matter was ferreted out by Mr. Dunstan—and the whole Dominion is indebted to him for the ability he has shown in this matter—it was only after the investigation of the facts, the American Government themselves seemed to become aware of what they were doing. They said if any bounty was given, it was not sufficient to crush out our sugar trade, and it was only after Mr. Dunstan's efforts had exposed the extent of the bounty that the American Government took a step backwards. I say that our Government should have met that bounty with countervailing duties. The old Government could not have understood it, none of us understood it then, as the fact was concealed. It is of deep interest to the whole Dominion that our shipping should be kept employed, and in destroying the sugar trade great damage was done to the whole country. If there is anything we are proud of, it is our commercial marine, standing as we do the third or fourth maritime power in the world. It is a source of pride to every Canadian that we can point to such shipping as the hon. Senator who introduced this motion has mentioned, and the addition of another sixteen hundred ton ship to our splendid merchant fleet is a matter of no small importance. From the same yard in Maitland there was launched the "William P. Lawrence," one of the biggest ships owned on the continent. Two years ago I saw her at St. John, loading, and it appeared as if she would carry away almost all the lumber of that city. She left three years ago, and has never returned since; her owners hear from her regularly, when the bills of exchange come in, bringing returns to them for their outlay. There is no enterprise more deserving of being protected and encouraged than the shipping interest of the country. I was sorry to hear the hon. Senator from Montreal asserting it was not a matter of such importance that we had lost our trade with the West Indies.

*Hon. Mr. Macfarlane.*

I believe we have an opportunity, if the Government will do their duty, to bring back a large volume of the trade that has been taken from us by the ingenuity of the people over the way.

Hon. Mr. PENNY—My hon. friend mistakes me if he supposes I think the sugar trade a very petty affair; but he is quite right in supposing I said that it was crushed out by the late Government. On another occasion I will, perhaps, have an opportunity of showing him that Mr. Drummond was compelled to shut up his factory by the late Government.

Hon. Mr. McCLELAN—I quite agree with the hon. gentleman who has just spoken as to the importance of the shipping interests of the Dominion, and it is a living evidence of the liberality of the Government in dealing with the country, in continuing to admit material for the construction of our ships at a low rate of duty. I cannot understand how gentlemen from the Lower Provinces, in discussing questions of trade, can speak so volubly of our local interests and requirements, and in the same breath advocate a protective policy. Protection simply means the taxation of the million for the benefit of the few. To increase the burdens of the people who do the work, for the purpose of aggrandizing a few monopolists, many of whom are already in very prosperous circumstances, seems a very singular way to improve the condition of our maritime interests. Yet hon. gentlemen have chosen to advert to this question in connection with the motion of the hon. member from Halifax. Well, the occasion is not so improper after all, as the arguments have a somewhat similar application. In the one case, a special class only are the gainers, and not the most important one either. In the other case, a particular place is to be benefitted, even if every other locality has to lend a helping hand. Every sort and description of grievance is made to do service by hon. gentlemen, in order, apparently, to influence public opinion adversely to the present Administration. It is almost a wonder this Government is not charged, too, with having located the Intercolonial Railway by so crooked and circuitous a route, that the distance has been very greatly increased, and the cost of transit thereby greatly enhanced.

Hon. Gentlemen—Hear, hear.

Hon Mr. McCLELAN—The people all over this Dominion have already been compelled to submit to a perfect waste of millions of money in building this road on this extraordinary location. It is likely to fall short of working expenses by half a million of dollars, and yet, hon. gentlemen who favored all this, find themselves willing to charge the Government of the day with neglecting the interests of the Eastern Terminus, by not taking the initiative and forcing grain shipments at Halifax. I presume the Government has done everything possible, to assist in developing this necessary trade, and if the grain of Ontario and the West has to be shipped at foreign ports—and the Maritime Provinces thereby deprived of this legitimate trade—the misfortune is due, very largely indeed, to the miserable location of the railway by the late Government. A shorter and cheaper route would have met the difficulty, under which the hon. member (Mr. Northup) and the people of Nova Scotia now labor. I can only say, that by the negotiations which have taken place, the Government have done everything to make successful this experiment, which a reasonable people could expect, and with proper facilities and enterprise at Halifax, I still hope this trade may be secured for that place.

Hon. Mr. MILLER—Although this discussion has already occupied the attention of the House the whole of the afternoon, I do not think anyone can say it has been time thrown away. I congratulate the hon. gentleman (Mr. Northup) who introduced this question, on the full and lucid statement which he furnished to the House, and which has placed them in possession of valuable information on this subject. There are one or two points in regard to which, I may, perhaps, be permitted to make a few observations before the hon. Secretary of State rises to reply on behalf of the Government. One or two remarks fell from the hon. gentleman from Halifax (Mr. Power), who rose first after the introduction of the motion, which should not be allowed to go unanswered. That hon. gentleman said that the Intercolonial Railroad was not only one of the best railways on the continent but, was also one of the best managed. If it is one of the best roads on the con-

*Hon. Mr. McClelan.*

continent, it is due to the wisdom of the Government who went out of office a few years ago, and the gentlemen who acted under them as Commissioners in charge of the work, and the country has reason to be deeply grateful to those gentlemen for having made our national highway, one of which we have so much reason to be proud. The management of the road under the late Government was also wise and satisfactory to the country. Under a judicious tariff, until 1874, the railway was gradually increasing its business and its revenue, while helping very largely to develop and foster the industries of the country. But we all know that the change of Government in 1873 was followed by a complete change in the management of the Intercolonial Railway, which produced great dissatisfaction and serious loss in the Maritime Provinces. If the management of the road is better to-day than it was the first year after this Government came into power, and had introduced what they called commercial principles on that line, it was due, not to the Government, but to the persistent efforts of those opposed to them in Parliament, and in the press. We all know that shortly after the change of Ministry, Mr. Brydges was placed in charge of the whole Government railway system of this country; that he took the Intercolonial Railway in hand immediately afterwards, and altered the tariff in such a way as to produce irritation, and inflict shameful injustice among a large section of the people who had invested money in industries along the line, under the policy of the previous Government. We all know that, in consequence of the policy adopted and carried out on that road by the former Government, important manufacturing industries had sprung up, and which had been fostered by the wise course pursued in the management of the road. So soon as Mr. Brydges got control of the line, he changed the tariff, and struck down all those manufacturing industries almost with one blow. With regard to the local conveniences which the people had a right to expect from a road built by the public money, Mr. Brydges, under this Government, ruthlessly interfered with the wise arrangement which had been adopted and carried out by the late Administration for years. It is a matter of notoriety in the Maritime Provinces, that until the persistent

efforts of the Opposition press and Opposition members of Parliament aroused public opinion as to the unwisdom and injustice of that policy, the change did not take place. The hon. gentleman (Mr. Wark) who has just sat down said that it would be an act of injustice to ask the Government to carry freight over the road at a figure that would not be profitable, because it would be taxing the rest of the country in order to make up the deficiency in the returns from that railway. I cannot understand how any one having the success of that great highway as a national enterprise in view, and the prosperity of the whole country at heart; and desiring to see these Provinces built up into a great Dominion, independent from seaboard to seaboard, of any foreign powers, could take so small a view of a great question like this. It is unworthy of any member of this Senate to look on this subject as one simply affecting Halifax. That city does not ask this Government to adopt a policy which would inflict any degree of taxation on the people to build up Halifax, but it asks the Government to go as far as it possibly can to develop a through trade with the great West, which, while it may be doing Halifax good, will, at the same time, be furnishing traffic to the railway, while contributing to the trade and prosperity of the country from Sarnia to Halifax. Unless by a wise and liberal policy you succeed in developing that traffic, you will not get it at all, and the country will, therefore, be minus money which would go into the Treasury if we secured—even at low rates—a large traffic from the West over our national highway. But my hon. friend says one reason why we cannot now compete for the carrying trade of the West with other railways is because the late Government adopted a circuitous route for the railway by which Halifax was made the Atlantic terminus, and the distance is thereby increased to such an extent as to make competition with other lines impossible. This is not the first time I have heard the late Government blamed for the location of the Intercolonial Railway. Gentlemen who have been in this Parliament for the last ten years, and who have heard the whole question with respect to the construction of the Intercolonial Railway, ought to know the circumstances under which the line was built, the means by which the money was procured, and

the conditions under which it was granted. It was borrowed under the Imperial guarantee, and the Imperial Government claimed and exercised the right to have a voice in the selection of the route of the railway; and they gave their opinion in favor of the North Shore line, and the decision was a sound one. It ceased, therefore, to be a matter of unrestrained discretion with the late Government. I have heard gentlemen in this House, and not very long ago, bring this same charge against the late Government, when they knew, or ought to have known, that the selection of the route did not rest exclusively with the late Administration. The Opposition press of that day, while the question of the location of the Intercolonial Railway was before Parliament, had not one word to say with regard to the selection of the North Shore route until the policy of the Government of the day was announced. Instead of giving a fair discussion to the question, they were determined, as soon as any policy was adopted, no matter what the circumstances were, to use it for party purposes, notwithstanding it was a question intimately bound up with the development and consolidation of this great country. I trust that gentlemen who ought to be in a position to know the history of the selection of that route, will not make such assertions in this House again with the view of misleading the country—assertions contrary to facts which are well known. With regard to the question before the House, what I blame the Government for is this: that on the eve of an election, the exponents of the policy of the Government in the Maritime Provinces, deluded the people with promises the Government would not afterwards redeem. The circumstances were too recent to be forgotten. There had been an election in which a Minister of the Crown had been defeated, and another Minister to supply Mr. Vail's place was about to run for the County of Halifax under circumstances to which I need not revert. The fate of the Government depended, perhaps, upon Mr. Jones' return. It was questionable whether, if the Minister had been defeated in Halifax, there could have been found a single constituency in Nova Scotia in which the Government would dare to venture upon a Ministerial election. It was well understood during last autumn,

that Mr. Jones' seat would be vacant, before the meeting of Parliament, and this winter port question was therefore kept by the Government and its friends prominently before the people of Halifax in order to affect the contemplated election. The local press supporting the Government held out to the people there that by returning a friend of the Government, and especially a member of the Cabinet, they would be in a better position to secure that great object which they were seeking, that of making Halifax the winter port for the trade of the great west. They said to the Opposition, if you return a member opposed to our Government, what influence will he have in securing this great boon for Halifax? The opportunity of making Halifax the Liverpool of the Dominion would be lost forever, the electors were told, if a member of a friendly Cabinet were rejected by the constituency. When I heard this at the time, I said, "It is useless to give the Government any opposition in Halifax," so favourable and delusive was the policy they announced. The result of the cry raised showed, that just where the change would be expected to take place, in consequence of the inducement held out with regard to a winter port, it did take place. The Conservative party had always carried Halifax city by a majority of from four to six hundred votes, and that was reduced in such a way as to give the Government the seat by a moderate majority. During the whole of the contest this question was put forward prominently and it had been worked up shrewdly by the friends of the Government for months beforehand. Mr. Brydges had been down there during the summer and autumn pulling the wires, he had promised everything while it was necessary to secure this election for the Government, but he easily forgot his promises afterwards. The scheme was worked up in order to get public opinion riveted upon it, and public hopes excited in regard to it, and it was a question which deeply agitated the people of Halifax in regard to Dominion politics until after the election; but it is now said the Government are powerless to carry out the scheme. This is what I complain of - if the Government have no power, or if it would not be right, as some of their supporters now say, for them to do anything to carry out this policy of making Halifax a winter port for the

grain trade - it was wrong for them, either by themselves or their partisans, to allow the people of Halifax to be duped out of the independent exercise of their franchise by a system of public deception and corruption, for it was nothing else. If the Government had stated then, as I believe they must now do, that they did, or do not, see their way clear to do anything that would enable Halifax to secure this great western trade, without injustice to the rest of the Dominion, there would have been no blame of insincerity attached to them, at least it would have been an honest policy. But what we have a right to complain of is, that this question, and the sugar question, were used dishonestly during that election, and false hopes encouraged in regard to them. The merchants of Halifax were told, "You will have no chance whatever of getting any alteration in the sugar duties, no chance of getting any legislation you require from the Government to save the perishing West India trade of Nova Scotia, if you return an opponent of the Government; he will have no influence with the men in power, and you will strike a killing blow at your hopes in this direction if you defeat Mr. Jones; but if you return a Minister of the Crown who is sound in the sugar question, you are sure that the influence which he will exercise will accomplish what you desire." It must be remembered that Mr. Jones' views on the sugar question were directly adverse to those of the Government, and were in accord with those of his own Province, but the policy of the Government remained unchanged, and the country witnessed the demoralizing spectacle of a man entering a Cabinet to which he was opposed on a great question, intimately affecting the welfare of the Province he represented. The Minister must have sacrificed his convictions, and those convictions related to the most material interest of his constituency. It was demoralizing in the extreme to witness the Minister of Militia, who had declared in his place in Parliament that the policy of the present Government on this question was suicidal, becoming a member of that Government, and taking the emoluments of office, while carrying out what he believed to be a policy highly injurious to his country. But it was necessary that the Halifax election should be carried by any

means, and such was the position in which the Government would have been placed by the loss of that election, that they were ready to resort to anything to win it. My hon. friend from New Brunswick (Mr. McClelan) talked of the policy of this Government in regard to our ship-building interest. One would imagine from his remarks, that their policy had been one of friendly protection to that industry, as contra-distinguished to that of the late Government. We all know what the policy of the late Government was, and how unjust any such comparison would be. So soon as the finances of the country permitted it, after we came into Confederation, the late Government immediately struck off the taxes on ship-building material. Not only that, but they expended large amounts in lighting our coasts, and at the same time, swept away the light dues, as they swept away everything that prevented the fostering of that important industry. The consequence was, we were fast becoming one of the most flourishing ship-owning countries in the world. Then the gentlemen on the Treasury seats came into power, and, unfortunately, in relation to this, as in every other industry, the succeeding depression was very severely felt. Ships became much worse investments than they had been, and at that very moment, the Government added the tax which the hon. gentleman points to as an illustration of the fostering care of this Administration. And so it is with all the remarks made by these gentlemen, if one had time, and could trespass on the patience of the House to review them. I think my hon. friend (Mr. Northup) has conferred a very great service on the House and the country by bringing up this motion, and I am very sure few better occasions will offer to expose the duplicity to which the Government are willing in difficult cases to resort, when a constituency has to be deluded into voting for the Government on deceptive issues knowingly put before the people.

Hon. Mr. McCLELAN—My reference to the fostering care of the ship-building industry was not to any Government. I spoke of the policy of the past, and I spoke of the opinions, which I hope will not be carried out, enunciated by some hon. gentleman opposite. Before sitting down I would ask my hon. friend the au-

*Hon. Mr. Miller.*

thority which justifies the remark that the route of the Intercolonial was selected by the Imperial Government?

Hon. Mr. MILLER—I was not aware that my hon. friend himself was not acquainted with the whole of the negotiations at that period. If my memory does not mislead me, and I am sure it does not, the British Government sent out a dispatch to this country indicating the line they wished to have adopted, and that was what turned the scales in favor of the North Shore route. I am not going to say they made it a *sine qua non* of the guarantee, but they reminded Canada that in view of the Imperial guarantee for the money required to build the road, they expected Imperial interests would be subserved.

Hon. Mr. CAMPBELL—It was intimated to this Government that the northern route must be taken.

Hon. Mr. SCOTT—May I ask whether certain members of the Government were not prepared to protest, and send a deputation to England? That was Mr. Macdougall's statement, which has not been contradicted.

Hon. Mr. CAMPBELL—In the Government of which I was a member no hon. gentleman was in the habit of stating what the opinions of his colleagues were!

Hon. Mr. SCOTT—My hon. friend will not deny that Mr. Macdougall published a pamphlet in which he stated that they might just as well throw eight millions of dollars into the sea as build by the northern route.

Hon. Mr. PENNY—The way Mr. Macdougall puts it is this: There were no gentlemen in the Government except himself and Mr. Tilley who cared about the North-West, but Sir George Cartier was determined to carry the Intercolonial Railway by the north-shore route. According to his account, then the North-West question was swapped against the Intercolonial Railway question. He and Mr. Tilley sacrificed the interests of the Dominion in the matter of the Intercolonial Railway in order to obtain what they wanted in the North-West. It is no secret that Mr. Macdougall came down to Montreal about that time, and declared that Sir George Cartier was insisting, but that he himself would rather dig potatoes than

sit in the Government if the north-shore route were adopted for the Intercolonial Road. He afterwards explained that they yielded in order to have the North-West question settled. This is what he says:—

“Except Mr. Tilley and myself, every member of the Government was indifferent or hostile to the acquisition of the North-West territory. When they discovered that a Ministerial crisis respecting the route of the Intercolonial Railroad could only be avoided by an immediate agreement and immediate action, to secure the transfer of the Territories to the Dominion they were ready to act. On the same day that Sir John A. Macdonald and Mr. Campbell surrendered the interests of Ontario to Quebec and Mr. Mitchell, and threw \$8,000,000 into the sea, I carried a proposition to send a deputation to England with full powers to close negotiations for the purchase of one-third of the North American continent as a set off.”

Hon. Mr. CAMPBELL—I repeat, it was intimated to the Government of this country by the British Government that for Imperial interests, in reference to the defence of the country, the line to be chosen must be by the North Shore. Of course that intimation was conveyed to us in the most courteous terms, but it was an intimation it was necessary to give force to in order to get the Imperial guarantee.

Hon. Mr. McCLELAN—Was that intimation from the British Government given by a despatch.

Hon. Mr. CAMPBELL—Yes. So far as I can remember it was by a despatch.

Hon. Mr. SCOTT moved the adjournment of the debate.

The motion was agreed to.

## FORT FRANCIS LOCK COMMITTEE.

### MOTION TO PRINT EVIDENCE.

Hon. Mr. MACPHERSON moved

“That the evidence taken from time to time before the Select Committee appointed to enquire into all the questions relating to the construction of the Fort Francis Lock, be printed for the use of the members of the House, but that no copies thereof be delivered, except to the members of the Committee, until further order.”

Hon. Mr. PENNY had no objection to the motion; but took the opportunity to say that he hoped hon. gentlemen would conform in future to the rules of the

*Hon. Mr. Penny.*

House respecting evidence before committees. The hon. Senator from Saugeen (Mr. Macpherson), who was Chairman of this Committee, would not, he hoped, refer to the evidence which was being taken before it, in debates in the House, until it was in possession of all the members. The hon. member did not often violate the rules of the House; but he (Mr. Penny) was shocked the other night to hear him make a very broad statement on the strength of evidence before a committee. This motion was a very proper one; but as members generally were not to have the evidence, it should not be used at all. To do so, by one sitting as a judge, before all the evidence had been taken, was opposed to all justice and fair play.

Hon. Mr. SCOTT thought the hon. Senator from Saugeen had been clearly wrong in making references in the House to things which came out in Committee. The hon. gentleman was reported as saying the evidence disclosed this Fort Francis Lock to be a “most nefarious job.” The hon. gentleman, being a member of that Committee, and holding in his hands the character and integrity of gentlemen socially and every other way equal with any gentleman in the country that could be named, should not have let drop such an expression. He was sure it must have been accidental, but he hoped in future there would be no comment in this House on evidence only in possession of members of the Committee.

“Hon. Mr. MACPHERSON was quite aware that the proposition laid down was correct, and he should be very sorry to violate that rule of the House; but he did not think he had done so on the occasion referred to. A report had been made to the House last Session on the subject of the Fort Francis Lock, which the House was in possession of, and which contained quite enough to justify what he had said. He had been careful to state he did not blame anybody. His remark was that the evidence taken last Session disclosed the fact that a fraud had been perpetrated on the country. He hoped the hon. the Secretary of State would acquit him of violating the rules of the House on any occasion.

The motion was agreed to.

**BILLS FROM THE HOUSE OF COMMONS.**

**FIRST READINGS.**

The following Bills from the House of Commons were introduced and read the first time :—

“ An Act to amend the Post Office Act of 1875.”

“ An Act to amend the Act incorporating the Sydenham Harbor Company.”

“ An Act respecting the Maritime Courts of Ontario.”

“ An Act to amend the Act respecting conflicting claims to lands occupants in Manitoba.”

“ An Act further to amend the Act intitled ‘ An Act respecting the Public Works of Canada.’”

The House adjourned at 6.10 p.m.

**THE SENATE.**

*Tuesday, April 2nd.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

**THE BANK OF LIVERPOOL BILL.**

**THIRD READING.**

Hon. Mr. HAMILTON (Kingston), from the Committee on Banking, Commerce, and Railways, to whom was referred the Bill intitled : “ An Act respecting The Bank of Liverpool,” reported the said Bill, with several amendments.

The amendments were concurred in, and the Bill was read the third time and passed.

**THE NORTHERN RAILWAY COMPANY'S BILL.**

**THIRD READING.**

Hon. Mr. HAMILTON (Kingston), from the Committee on Banking, Commerce and Railways, to whom was referred the Bill intitled : “ An Act respecting the Northern Railway of Canada,” reported the said Bill without any amendment.

The Bill was read the third time and passed.

**THE SHIPMENT OF GRAIN BY THE INTERCOLONIAL RAILWAY.**

**THE DEBATE CONCLUDED.**

Hon. Mr. SCOTT resumed the adjourned debate on the Hon. Mr. Northup's motion :—

“ That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House all correspondence relating to shipment of grain by way of the Intercolonial Railway at Halifax, for Europe.”

He said :—When the House rose last night, I was on the point of making a few observations on the motion of my hon. friend opposite, on the subject of the Halifax winter port. I think in bringing that subject under the notice of this House the hon. gentleman has scarcely been fair to the Government. I wish, as shortly as possible, to run over the points in the case. They are not very numerous, and it will be for the House to say whether the action of the Government was candid, frank, and in the interest of the people of Canada. Mr. Black was delegated on the 5th of December last by the merchants of Halifax, to proceed to Ottawa, and confer with the Government on the propriety of testing the capacity of Halifax as a winter port for the shipment of grain—in other words, to ascertain whether grain could be shipped over our lines of railway and put into vessels at Halifax. He was detained, as he states, a few days on the road, and came to Ottawa somewhere about the tenth of the month, as appears by his report. In his conversation with Mr. Mackenzie, with whom he conferred on the subject, he learned that the Premier did not consider the trade could be profitably carried on—in other words, that the grain transported over the Intercolonial Railway would not pay running expenses. However, Mr. Mackenzie expressed to him a willingness that the experiment

should be tested, and accordingly, on the 13th of December, eight days after Mr. Black left Halifax, he wrote the following letter :—

OTTAWA, Dec. 13, 1877.

DEAR SIR,—Referring to your conversation with me respecting the possibility of carrying grain over the Intercolonial Railway from Riviere du Loup to Halifax, I desire to inform you that the Government have considered the representations made by you on behalf of the Halifax merchants, and will give instructions to the General Superintendent of Government Railways on the subject. I need hardly say that the Government are extremely anxious to do everything to encourage any legitimate business that can be done by the railway. I think it quite clear from the data at present available that the prices you suggested, viz., 1s. 3d. stg. per quarter, or about 3½ cents per bushel, over 561 miles of railway, cannot possibly pay running expenses, but directions will be given to afford the necessary facilities for taking say two cargoes at that rate, after which both the Halifax merchants and ourselves will be in a position to discuss the matter with realized facts before us.]

Yours faithfully,

A. MACKENZIE.

Can anything be more fair, frank or straightforward than this letter? An attempt has been made to draw into this question the political influences that the Government might, through this channel, have brought to bear on the Halifax election. At that time the seat for Halifax had not become vacant. I think the writ did not issue until the end of December. I suppose my hon. friend would scarcely credit the fact that at the time that letter was written it had not entered into our consideration the possibility of an election in Halifax. I am not going to discuss that, but I throw it out, and hon. gentlemen opposite can take it for what it is worth. At all events, the Premier frankly stated to Mr. Black, the delegate of the Halifax merchants, that he was quite willing the experiment should be tested by carrying grain enough over the Intercolonial Railway to furnish two cargoes. The difficulties which interposed at a subsequent period are shown in Mr. Black's report to the merchants of Halifax. Those were principally the rates charged by the Grand Trunk Railway Company and the difficulty of getting the Allan Line to make the necessary connection. Later on, when Mr. Black made a final report, it would appear those difficulties were more than had been anticipated. In the month of March, Mr.

Hon. Mr. Scott.

Black's report declares he had visited Chicago and ascertained what the prospect was for sending grain by rail to Halifax. He says :—

“At Chicago I met on 'Change a number of the largest shippers, from whom I learned that at present there was not the slightest probability of any business being done via Halifax, for the following reasons: the length of time on the road, the uncertainty as to what vessel the goods would go on, and the rate of inland freights;—the rate of freight on grain and other heavy goods is now ten cents per hundred lbs. from Chicago and St. Louis to the seaboard; this, if brought by the Grand Trunk Railway to either Riviere du Loup or Portland, would give that road comparatively nothing. And, as to the other reasons, freight now is engaged for a certain named vessel, it leaves Chicago on Tuesday, and on the Saturday following it is on board the vessel named and proceeding to sea; this dispatch cannot possibly be approximated by Canadian routes; nor can any freight from Chicago be certain to meet any desired steamer at Portland; dispatch is of vital importance to Chicago shippers, and until that is established and an elevator built at Halifax, traffic cannot be expected to change from old tried routes.”

Leaving out altogether the freight on the Intercolonial, he says the Grand Trunk Railway would get comparatively nothing at existing rates. So, to have made it a success, the Grand Trunk Railway would have had to carry this grain at a purely nominal figure. Mr. Black, in his report, admits the difficulties did not lie altogether with the Intercolonial Railway, but that there were other difficulties; mainly the long line of railway from Chicago to Halifax. Hon. gentlemen are quite aware, though the hon. Senator who moved this motion has arrived at a different conclusion, that the amount charged against the Intercolonial Railway, for working expenses, is in the neighborhood of half a million of dollars in excess of the revenue from it. What would be the effect of increasing the freight over that road at a cost considerably below running expenses? It would simply be a subsidy either to the vessels trading with the City of Halifax or to the merchants of that city. So far as the Intercolonial Railroad is concerned, I think it is but fair and proper we should endeavor to keep down freights even though there should be a certain charge on the revenue, but surely it would not be said that in transporting grain which benefits principally the ocean steamers, it would be justifiable to tax the people of this country

that this trade might be developed, unless it could be shown that it would be an extraordinary advantage to the Dominion which, I think, would be extremely difficult to prove. The delegate of the Halifax merchants very fairly shows that the Government were willing, as far as they were concerned, to carry two cargoes of grain over the Intercolonial Railway as an experiment, to meet the wishes of the people of Halifax. The Government are just as deeply interested in the prosperity of Halifax as hon. gentlemen opposite are. We are all proud of our winter port, and the Government of this country, when the Intercolonial Railway was finished in 1876, at once made an arrangement for the carriage of mails by that route during the winter months.

Hon. Mr. MILLER—That was one of the stipulations made in the contract with the Allan Line by the late Government.

Hon. Mr. SCOTT—The Allans were quite unwilling to make the change and did not wish to have the contract enforced. The Government were not moved by outside pressure to do it.

Hon. Mr. MILLER—The late Government had provided in their contract with the Allans, that when the Intercolonial was completed, the winter port for mails should be Halifax.

Hon. Mr. SCOTT—It rested with the Government to name the point where the mails should be landed in winter. Any Government who would have omitted such a clause in making the contract, would have been recreant to their trust. The Government had absolute control of the delivery of winter mails, and could order them to be landed at any winter port they pleased. What I say is, that just as soon as the railway was opened in the fall of 1876, the Government at once gave notice the mails should be landed at Halifax. I know there were many objections raised. There were croakers that dreaded the country would be seriously damaged by the change. They predicted that snow drifts would block the trains, and many other obstacles would delay the carriage of mails and passengers. I am happy to say those evil prophecies have not been fulfilled, and we feel a natural pride in having our own winter port for the Dominion. But it is another thing to say whether it would be wise or pru-

*Hon. Mr. Scott.*

dent to force a traffic into channels where the cost would exceed the advantages to be gained from it. At all events, the Government could do no more than make the offer they did, to test whether that trade could be made a success or not. The hon. gentleman was not content with bringing this matter to the notice of the House, but he framed a bill of indictment against the Government for various political sins, manifestly for their policy with reference to the West India trade, and the sugar interest. I am not sure whether he introduced the tea trade; it has generally gone with the sugar trade. At all events, he discussed a number of questions which were not germane to the subject before the House. He thought great credit was due to Mr. Dunstan, because he had, by his writings, brought the American Government to a sense of the great injustice they were doing by giving a bounty, in excess of the duty on the raw material, on sugars exported to Canada. The people of this country might possibly draw a different conclusion, that if they were getting, through the system pursued in the United States, sugars at a considerably lower rate than they could be got in the United States—in other words, if the American Government was ready to pay such a subsidy to the sugar refiners as to give Canada the benefit of it—Mr. Dunstan had conferred no special obligation upon them by increasing the cost of their sugar.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—The sugar question is a very intricate one, but there are the broad facts—the price of the higher grades of sugar has been lower during the past two years than it was at any period during the time the refining was kept up in Montreal. It is very well known at the time of the change of Government that the refining industry in Montreal was in very great difficulty. If the hon. gentleman will refer to the evidence of Mr. Drummond before the Depression Committee, he will see a considerable part of the investment of that company in 1870 was lost in consequence of the fiscal policy of Sir John Rose. The hon. Senator from Montreal read the opinion expressed by Sir John Rose, when introducing his tariff, that he considered it his duty to

look to the interests of the consumer and the revenue rather than of the manufacturer. In the appeal made to this Government, in 1874, by Mr. Drummond, he represented it was a very hard case: they had imported a large amount of sugar and the tariff prevented them working it off. A reduction in the tariff was made in the lower grades entering into the manufacture of sugar. That was the only change made by this Government in the sugar duties, and if hon. gentlemen will remember, the Government were attacked at the time for seeking to protect an industry which was not one of those that might fairly be fostered. As hon. gentlemen know, it is not an industry that gives employment to any considerable number of persons. Speaking in an off-hand way, I have no hesitation in saying that three refineries, such as the one in full blast in Montreal in 1869, would probably refine all the sugar used in the Dominion, and that would give employment to comparatively few people, while it would tax the consumers in this country two or three cents per pound, or, at all events, would compel them to pay more than they do now.

Hon. Mr. KAULBACH—Does the hon. gentleman take into consideration the shipping it would employ, the coal it would consume, and the other interests that would be affected by it?

Hon. Mr. SCOTT—The gross quantity of sugar consumed in this country is about 50,000 tons. The hon. gentleman may easily calculate how many ships that would employ. Ten vessels exclusively devoted to that trade would carry all the sugar used in the Dominion. We know the great rivalry there is between the refiners in France, Germany, England, and the United States. England presents probably larger opportunities for refining than any other country, because every article entering into its manufacture is entirely free of duty, and yet we know within the last two years, the United States have repeatedly sent cargoes of sugar to England and Scotland, and sold them there in sight of the refineries. And why was this? Because in the United States, through some deception practised on Mr. Bristow and his successors, the refiners were enabled to get a larger sum as a refund on exported sugars than was an

*Hon. Mr. Scott.*

equivalent to what was paid on the raw material. That has been greatly reduced, as the American Government have discovered the deception practised upon them. They do not propose continuing that. In France there was a considerable premium paid on sugars exported. So it was in Germany. The largest sugar house in England went into bankruptcy about two years ago, in consequence of the reduction in the price of sugars consequent on the great rivalry in Germany, France and the United States. Now, our tariff does not discriminate against any of those countries. We are enabled to buy in the cheapest market. Whenever a crash comes, as it has come in the United States, we are enabled to get sugar below the cost of production and refining. In the United States there have been more losses in that industry than in any other country. Since 1873 the number of sugar refineries that collapsed in Brooklyn and New York was thirteen, and several large establishments in Baltimore went into insolvency. I forget the number, but one or two of the largest refineries were in Baltimore.

Hon. Mr. KAULBACH—Does the hon. gentleman reflect that it would foster our lumber and shipping interests?

Hon. Mr. SCOTT—Legitimate trade will find its own channels, if you give it ordinary facilities. Immediately after Confederation it was thought we could stimulate trade with the West Indies, and the late Government appointed a Commission to proceed to the British West Indies and to the foreign West India Islands, Brazil and Mexico, for the purpose of enquiring as to the trade of these countries, and ascertaining how far it was practicable to extend the commerce between those countries and Canada. That Commission consisted of Hon. Mr. Macdougall, a member of the Administration, an hon. Senator (Mr. Ryan), A. M. Delisle and J. W. Dunscombe of Ontario and Quebec; James Macdonald and J. Levisconte, of Nova Scotia; Wm. Smith, now Deputy Minister of Marine, of New Brunswick; and W. H. Pope, of Prince Edward Island. They visited those countries and made an elaborate report, and what has come of it? Nothing whatever. We, under pressure, in 1876 did not do exactly the same thing, but we called for tenders for parties

who were willing to put vessels in the West India trade. A few firms responded to the call, and what was the result? It would cost \$200,000 a year to get a line of vessels to make trips twice a month, and, for once a month, I think it was \$150,000.

Hon. Mr. MACFARLANE—That would be for the transmission of mails.

Hon. Mr. SCOTT—It was supposed if we would pay this subsidy for vessels leaving Montreal in summer, and Halifax and St. John in winter, it would enable them to take freight at reasonable rates, but the results were so insignificant the Government could do nothing. The conclusions reached by the Commissioners were not very numerous, still nothing came of them. The last and most important of all was:—

“To promote by prudent legislation, and a sound fiscal policy, the rapid development of the great natural resources of the British North American Provinces, and to preserve, as far as lies in their power, the advantage which they now possess of being able to produce at a cheaper cost than any other country, most of the great staples which the inhabitants of the Tropics must procure from Northern ports.”

I am entirely in accord with that policy. The Government of that day showed a most anxious desire to stimulate and create a trade, but they found themselves powerless to do it. If that were the only trade open to us, possibly greater exertions might be made to secure it, but anyone who looks at the swelling trade of this country and observes how it is increasing year by year, will admit that the West India trade is not absolutely essential to us. I have no doubt a considerable part of our lumber and products goes to the West Indies, through Portland, Boston, and other parts of the United States. It must be remembered the sugar trade gives this country a revenue of about \$2,000,000 a year, and it would be a very grave and serious matter to disturb the fiscal arrangement which gives us so large a revenue, and one so easily reached. To raise anything like an equal amount on the raw material would practically put the price up to a very much higher figure than the consumer in Canada pays at present. We can now buy our sugar cheaper than the people of any protected country.

Hon. Mr. KAULBACH—Does the hon. gentleman know that the revenue has decreased under the present arrangement

Hon. Mr. Scott.

—that before the drawback was given in the United States a larger revenue was raised from sugars in this country than at the present time?

Hon. Mr. SCOTT—I am not aware that influenced it in the slightest degree. We have not been getting all our sugars from the United States. We buy a large amount in Glasgow, and wherever we can get them cheapest. The advantage to us of the drawback was this—sugars could be bought in the United States for consumption in Canada at much less than the cost of manufacture. I should be glad, indeed, had the sugar interest been sustained in Canada, but if the tax were only going to benefit, directly, two or three thousand people out of 4,000,000, then we would feel that we were paying too much for Canadian refined sugar.

Hon. Mr. KAULBACH—There is where we join issue. I say there is an incomparably larger number interested in the sugar industry than my hon. friend mentions. We know that the West India trade built up Halifax and our shipping, coal and fishing interests as well.

Hon. Mr. SCOTT—I am glad to inform my hon. friend our shipping industry is steadily going forward, and to-day is one in which we may all take a just pride. When my hon. friend so eloquently apostrophized the gallant ship that went out so well, I felt that the Government that could produce such results by their fiscal policy deserved the thanks of the country. I felt proud to think that we could build in Canada a vessel capable of competing with any ships in the world, and that our shipping interests have become so great that our vessels are bound to go abroad for employment. I was glad to hear the hon. Senator opposite (Mr. Macfarlane) speak of a ship which has been three years away, and has been so successfully employed that regular remittances are sent to her stockholders.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—It was the best possible evidence of the wisdom of the policy adopted in this country, that a vessel could leave our ports, engage in the commerce of the world and never be heard of except by regular remittances every year, giving the stockholders a handsome profit on their investment.

Hon. Mr. MACFARLANE—I am afraid the picture of the bills of exchange is a highly colored one.

Hon. Mr. SCOTT—I have no doubt the hon. gentleman spoke “from the book,” as it was his own ship. How does the shipping interest of Canada compare with that of other countries? In 1876 we had 1,205,000 tons; France, of which we hear so much, had 1,080,000 tons; Belgium, an enterprising and prosperous country with 5,000,000 of people, only 30,000 tons; Germany (all the German States), 1,033,000 tons, considerably less than Canada; the United States, with a population of 40,000,000 and a larger coast than any other four countries in the world, and its noble rivers, 4,200,000 tons. The President, in his message to Congress the other day, deplored the condition of American shipping, and said it was a national disgrace, that the international trade of the country should be carried on in foreign bottoms. I think the proportion carried in foreign vessels was 70 per cent. although before a protective policy was introduced in that country in 1860, more than 80 per cent. of the international traffic of the United States was carried in American bottoms.

Hon. Mr. McLELAN—Do I understand the hon. gentleman to say, there is a duty on ships in the United States?

Hon. Mr. SCOTT—There is a very large one. The tariff is :—

Cables and cordage...	28	p. c.	<i>ad valorem</i>
Canvas for sails.....	30	“	“
Anchors.....	46	“	“
Iron wire and rope.....	60	“	“
Manufactures of iron..	35	“	“
Varnish.....	57	“	“
Timber hewn, square or sided.....	20	“	“

Hon. Mr. McLELAN—I would like the hon. gentleman to explain, that in June 1873 the United States enacted whenever it was proved that these articles were used in the construction of a ship, every cent of the duty should be refunded to the builder.

Hon. Mr. SCOTT—I have stated to my hon. friend what he will not deny, that seventy per cent of the international traffic of the United States, is now carried on in foreign bottoms.

*Hon. Mr. Macfarlane.*

Hon. Mr. McLELAN—That is not in consequence of the duty.

Hon. Mr. SCOTT—In one part of his message, the President states that 18,000 foreign vessels entered American ports against 10,000 American vessels.

Hon. Mr. KAULBACH—The late civil war drove the mercantile marine from the seas, and since then it has been increasing until it will soon be in the position it occupied before the war.

Hon. Mr. SCOTT—The Americans, as a rule, if an industry is a profitable one, do not take 16 or 17 years to establish it. They are as quick as any people in securing results. It does not require that long period to revive a dormant trade of that kind, if there were no fiscal regulations that oppressed that country.

Hon. Mr. McLELAN—It is not the fiscal arrangements. There is no tariff on anything going into the construction of a ship there.

Hon. Mr. SCOTT—What are our duties on shipping? The duties are five per cent *ad valorem* on all articles except ships' cables, iron chain over half an inch, ships' iron masts, ships' wire rigging, anchors, sheeting, copper, and yellow metal, which are free. I am told—of course there are gentlemen in this chamber who have had more experience in such matters than I have—that an estimate has been formed of the duty per ton, and it amounts to 31 cents. On a vessel of say 800 tons, costing \$40,000, the duty on the materials entering into the construction of that ship, amount to less than \$250, so it cannot be said that the shipping industry is in any way oppressed. The hon. Senator made some reference to “light dues.” I was informed, on enquiring into the matter, that there are no light dues charged either on foreign or Canadian ships.

Hon. Mr. MACPHERSON—I think the hon. Senator (who is not present) said that the light dues were abolished by the late Government.

Hon. Mr. SCOTT—They were abolished in 1868. I will now leave the subject, having, I trust, given the hon. gentleman the explanations he sought in reference to Mr. Black's mission, and having digressed necessarily to other matters to which he

had drawn the attention of the House. The papers will no doubt come down. Of course the hon. Senator is in possession, practically, of all the facts, and no doubt he made the motion for the purpose of giving expression to his own views. All I can say is, it would have gratified the Government extremely if it were possible to aid and stimulate the winter trade in grain *via* Halifax. It may be after the experimental trips are made, if the Halifax merchants themselves see fit to make the necessary exertions to test the question, that it will be found the estimate is not a correct one, but, so far as the Government are concerned, they are quite desirous the test should be made, and if, even at the lowest rate at which grain could possibly be carried, the trade could be established, the Government will do what they can.

Hon. Mr. NORTHUP—What we blame the Government for is, they gave us to understand they would take grain at 1s. 1d. per quarter. We made arrangements, and our delegate (Mr. Black) was sent to complete them, and when he came to Mr. Brydges, that gentleman repudiated the whole matter, and Mr. Mackenzie would have nothing to do with him. Mr. Black returned to Halifax, and before he made his report to the Chamber of Commerce, some members of the Government desired to have it delayed until they could communicate with their colleagues. The report was delayed four days, and then our delegate was enabled to say the Government would take two cargoes as an experiment. We sent our delegates to make that arrangement, but it was too late. The connections of the railway had ceased, and it never was done. The Government did not care to take these cargoes until it was on the eve of Mr. Jones' election. I leave the House to judge what was the prime cause of bringing that about.

Hon. Mr. SCOTT—I have quoted from Mr. Black's report, and I have read Mr. Mackenzie's letter. The first difficulty that arose was a small matter between the Grand Trunk Railway and Sir Hugh Allan as to who would fill the bags.

Hon. Mr. NORTHUP—Have you the last report?

Hon. Mr. SCOTT—I have the first and the last. The difficulties in reference to the bags were subsequent to this.

*Hon. Mr. Scott.*

Hon. Mr. NORTHUP—The question of bags was settled. The Grand Trunk Railway agreed to pay one-half and the people of Halifax the other. I subscribed myself to that.

Hon. Mr. SCOTT—It was all subsequent to the 13th December.

Hon. Mr. NORTHUP—It was too late. The Government kept us humbugging until it was too late. What I blame the Government for was, they would do nothing until they were driven to it.

Hon. Mr. DICKEY—It is a pity the hon. Secretary of State was not a little more ingenious in quoting Mr. Black's second report, and withheld his statement that the difficulty at Chicago was, it was too late in March to make the experiment. The arrangements should have been made in November or December. If the hon. gentleman will look at Sir Hugh Allan's letter he will find there were three steamers ready, and he was only awaiting the answer of the Government to ship the two experimental cargoes at the 25 cent rate. In consequence of the delay and the refusal of Mr. Brydges to act in accordance with the wish of the people of Halifax, two steamers were withdrawn, and the third met with an accident. It was entirely too late to try the experiment, and that fact appears on the face of the report.

Hon. Mr. SCOTT—It has nothing to do with the arrangements of the Government at all.

Hon. Mr. DICKEY—We shall see. The hon. gentleman says Mr. Mackenzie's letter was dated December 13th, and in the innocence of his heart he tells us the Government had no knowledge of the vacancies about to be made by the late Minister of Militia and his colleague, the present Minister of Militia. He asks the House to believe that.

Hon. Mr. SCOTT—I did not ask the House to believe it.

Hon. Mr. DICKEY—He stated the Government had no idea, when Mr. Mackenzie wrote that letter, there was to be an election in Halifax.

Hon. Mr. SCOTT—I said that, and I repeat it.

Hon. Mr. DICKEY—He asks us to believe it, although one of their own col-

leagues was a partner in that concern, which caused the resignation of Mr. Vail and Mr. Jones. It was perfectly well known that Mr. Jones was preparing for that election all summer, and it was delayed to the last moment to put it out of the power of the people of Halifax to object to his election before the Court. It was held so late there could be no enquiry into the circumstances attending his return. But to return to the letter of December 13th, my hon. friend must know after that letter was received, Sir Hugh Allan expressed his willingness to agree to the suggestion of taking the grain, if the Government would carry it from Riviere du Loup to Halifax at 1s. 3d. per quarter, and what was the difficulty? It was made by the Superintendent of Railways, Mr. Brydges. It was quite convenient to write a letter on the 13th of December, on the eve of an impending election, to say that the Government were perfectly willing to make those arrangements, but care was taken that they should not take place, because Mr. Brydges stepped in to say they would not be done. We will see further about Mr. Brydges and his connection with this matter. It is unfortunate, perhaps, for the people of Halifax that the Minister of Militia was the agent of the Dominion Line that gets its cargoes in the port of Portland, and it has been asserted, and, so far as I know, not yet denied, that Mr. Brydges was a shareholder in that Company. I leave it to the House to judge the reasons that influenced him to have nothing to do with this matter, and interpose all the difficulties he did after he went down to Halifax, and gave the people there to understand this rate of 1s. 3d. would be acceptable. After the election it was quite convenient to say it could not be done. That is the real state of the case, as understood by almost every citizen of Halifax. If the hon. gentleman has any doubt about that, I will give him the opinion of the leading merchants of Halifax.

Hon. Mr. SCOTT—I would rather have Mr. Black's report than anything else.

Hon. Mr. DICKEY—The hon. gentleman has the fact that Mr. Black's report was made in the month of December, 1877, and was withheld three or four days at the request of certain members of the Com-

*Hon. Mr. Dickey.*

mittee until a change could be made. It was conveyed in a telegram from the Minister of Public Works, to hoodwink the people of Halifax.

Hon. Mr. SCOTT—There was no telegram.

Hon. Mr. DICKEY—There was when the first report was made. Mr. Black was taunted with playing into the hands of the Government.

Hon. Mr. SCOTT—Oh! Oh!

Hon. Mr. DICKEY—I speak of facts that are patent. What was Mr. Black obliged to do! He was obliged to come out in a public letter, and say he did everything he could, but that he could hold out no hope of doing anything with the Government at all. I will call attention to a report of a meeting of the Chamber of Commerce, with reference to the second report that was brought before them for their consideration. That meeting was presided over by Mr. Harnes, one of the most respectable merchants in Halifax, and here is a statement of Mr. James F. Macdonald, one of the principal merchants of that city:—

“The recent promise of assistance from the Government was a delusion, and had been used by the Government to serve a political turn, as influencing the recent election. Was it not patent to every member of this Chamber that the Government had endeavored to use the trial cargoes for political ends?”

Hon. Mr. SCOTT—It was not true.

Hon. Mr. DICKEY—I am giving the opinion of a leading merchant. There was not a man present in that meeting who would stand up and deny the imputation. I will give the opinion of another gentleman, Mr. John I. McLean, whose connection with the Young Men's Christian Association and the temperance movement, has made his name familiar to all. He is reported to have said:—

“The main trouble was with Mr. Brydges and the Government. Mr. Brydges when asked about a loan for the ‘Austrian’ said he knew nothing about it, and instead of fulfilling his promise had done worse than nothing. He appealed to other Members to say if he was not stating the facts, when he said Mr. Brydges had approached the Chamber with flattering assurances as to what might be expected he would do, and much to the disappointment of the public he had done nothing.”

There was a challenge thrown out before the whole meeting, composed of gentlemen on both sides of politics, and it was

not taken up; and the statement may therefore be taken as the mature and deliberate opinion of the merchants of Halifax. It was only last month this took place, and I will leave it to the hon. Secretary of State, after the ingenious statement he has made to-day, to remove the impression if he can. The hon. gentleman has spoken of the contract with the Allan Line which enabled the Government to change the winter port. When two years ago I brought this question before the House, how was I met? I was met with all sorts of objections on the part of the Government. It was said people were alarmed that this long land route would interfere with the prompt delivery of mails and delay passengers. I was assisted by almost every member from Nova Scotia, and several from New Brunswick, in pressing this matter on the notice of the Government, and the result of that pressure was to force the Government to do what they have done.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. DICKEY—My hon. friend says "hear, hear," but that was what made them carry out the arrangement for which the late Government had made provision, and my hon. friend desires, by a side-wind, to take all the credit to the Government.

Hon. Mr. SCOTT—I took no credit.

Hon. Mr. DICKEY—He says they made arrangements in the fall of 1876 for the change.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. DICKEY—They only did it some eight or nine months after it was pressed upon them by the representatives of Nova Scotia, and after all sorts of difficulties and obstacles had been placed in our way; and when they did it, they only carried out the arrangement which by the wise forethought of their predecessors had been provided for in the contract.

Hon. Mr. SCOTT—It could not be done earlier.

Hon. Mr. DICKEY—Why was it not done at once?

Hon. Mr. SCOTT—It was done the moment the road was in order for it.

Hon. Mr. DICKEY—Why didn't the Government say, "We admit Halifax is the legitimate winter port of this country,"

*Hon. Mr. Dickey.*

and we will not be indebted to any foreign country for the means of carrying our passengers and mails, and the very first opportunity we have, we will make Halifax our winter port?" The very difficulties which the hon. gentleman says were raised by croakers, were mentioned, though in a less degree, by the Government, when we urged them to make the experiment, and urged that in the first place it would benefit Halifax, but in the end would prove equally beneficial to the whole Dominion, from Sarnia to Cape Breton, as the result has proved. That is the position of that matter. The hon. gentleman talks about the cost of running the Intercolonial Railroad. I think that is rather an unfortunate subject for him to bring up. When the hon. gentleman informs us, that under the present astute manager of the Intercolonial, he comes here with a deficiency of about \$500,000, I will show him how that deficiency arises. I am not going into the question at large, because I do not wish to repeat others, or to bring into this question a subject that is not germane to it. My hon. friend speaks of this sugar question. I do not want to go into that matter, but I am tempted to offer an observation or two upon a very singular proposition we heard from the hon. gentleman on that question. He belittles this interest. He says it is a small matter, and would give employment to comparatively few people. He has taken but a limited and narrow view of the question.

Hon. Mr. SCOTT—We at present get \$2,000,000 from it, and it would be difficult to get that revenue somewhere else.

Hon. Mr. DICKEY—My hon. friend will not get out of the difficulty in that way. The whole question with regard to the sugar interest is this; it is an industry which gives employment to hundreds of families in various ways. My hon. friend says three large refineries would supply the Dominion with sugar. I will take that as a basis of calculation. That would give employment to our shipping, and lead to an enormous consumption of the coal of this country, which is to be found in the Maritime Provinces. My hon. friend talked about our shipping and gloated over and gloried in the fact that our ships are driven to the Indian Ocean and the Pacific to find employment. He says

50,000 tons of sugar would only employ some three ships the whole year round, taking his own estimate of the trade. He glories in a policy which compels our vessels and our mariners to seek profitable employment abroad, instead of carrying fish and lumber to the West Indies, and sugar from the West Indies to Canada. We cannot carry on this trade now, because our vessels can get no return cargo while our refineries are closed. It is hardly worth while to go into a lengthy argument on the matter, because the facts are so patent. The hon. gentleman says our lumber trade with the West Indies is of no consequence because the principal part of it goes by way of Portland and Boston.

Hon. Mr. SCOTT—I did not say that; I said some of our lumber finds its way through United States ports.

Hon. Mr. DICKEY—My hon. friend must know that the principal part of the lumber to the West Indies does go through the United States. We cannot carry that lumber from our own ports under the present fiscal arrangements, and so the Americans carry it, and bring back raw sugars for their refineries. The hon. gentleman seems to think we are gaining something in the way of cheaper sugars by the loss of this West India trade. There never was a greater delusion. We have been paying the very highest prices for our sugar to the people of the United States.

Hon. Mr. SCOTT—No, no.

Hon. Mr. DICKEY—We have been paying the highest price because we cannot manufacture for ourselves. He tells us we can send to Germany and England for our sugar. Our trade lies with the United States, and we have to pay a portion of this bounty given by the United States, in the shape of increased prices, for the sugar we get from them. We have no competition now, we are utterly helpless and powerless since the two large refineries in this country have been crushed out. We are not allowed to have any competing industry, because the policy of the Government forbids it. If the hon. gentleman has any doubt about that I will ask him to read the opinion of the present Minister of Militia when he was supposed to be an independent member. He pressed with all his energies

*Hon. Mr. Dickey.*

upon the Government the policy of encouraging the manufacture of sugar, and yet he was powerless to alter the strange financial dreams of the present Minister of Finance on that question. Where we witness the spectacle of that gentleman joining a Government which tells us it can do nothing to revive the great industry, I can only say, verily, Halifax has had its reward for electing the Minister of Militia, not only in the destruction of this sugar interest, and in the failure to try the experiment of shipping grain from our winter port, but also in the withdrawal of the forty year's subsidy to the fortnightly mail service to Halifax. But that is not all. I am about to make a statement to the House which is entirely in conformity with the facts as we know them in Halifax, but which may surprise the hon. Secretary of State, because, if he had known the facts he would have taken a different course in this matter. I am authorized to state, not only has Mr. Brydges acted in the way I have described with regard to the shipment of grain at Halifax, but that a gentleman having control of a large line of steamships, a Mr. J. M. Vernon, (I have the authority of his letter, addressed to a member of Parliament), addressed a letter to Mr. Brydges last November, asking that he would give him every facility for the shipping of grain and other products at Halifax, and, in fact, making it the terminus of a large trade with a fleet of steamers which he controlled. The result of the correspondence was that Mr. Brydges poo-hooed the matter, and told him that he could do nothing, consequently Mr. Vernon was obliged to send his steamers to Baltimore and New York to get cargoes. He has even now control of some three or four steamers that could at the proper time be utilized for the purpose of trying this experiment, and not a mere experiment, but on a large scale.

Hon. Mr. PENNY—Is that Mr. Vernon, of Montreal, who offers all those fine things?

Hon. Mr. DICKEY—It is Mr. Vernon, of Boston. I give the authority because I think it is due to the House this correspondence should come down, and the notice appears too general to include this. I think, after the statement I have made, it should embrace all correspond-

ence between persons or companies, and the Government, and also between any such persons and the Superintendent of the railway. The Government will not, of course, object to it, because they should be glad to give us all the information they can. When the correspondence comes down, showing this gentleman wished to initiate the trade with Halifax, it will be seen whether the statement I have made, as given to me, is justified by the facts. I do not wish to anticipate it by making any comments.

Hon. Mr. SCOTT—I never heard of it before.

Hon. Mr. DICKEY—I do not believe any member of the Government has known anything about it. This is only another instance in which people are bluffed off in their attempts to raise up a great trade in Halifax, for the benefit of this Dominion generally.

Hon. Mr. DEVER—Hon. gentlemen, as I have taken considerable interest in the sugar question, perhaps you will permit me to make a few remarks on the subject. It would appear from the conflict of opinion, as expressed by some hon. Senators, that the parties representing the sugar interests were wanting some legislation in their behalf, some special privileges that other manufacturers have not received, and do not require. I am authorized to state that such is not the case; they simply want to be placed in the same position as other manufacturers; that the raw or crude material should be admitted free, and that a fair duty should be placed on the refined sugars coming in here from other countries. As I have been favored with a copy of a letter from a gentleman in Halifax, who has made himself thoroughly master of this question, I may be permitted to read it to the House in order to make the question more thoroughly understood. It reads as follows:—

“I am aware that in Great Britain, as well as in every British colony, there is a strong feeling in favor of free trade, and I must confess to be one of its votaries also, therefore I would never make the unfair suggestion that the Dominion should even entertain a proposal to charge a less duty upon our products—the products of the West Indies—than upon the products of any other part of the globe, but what I would suggest, and believe with good reason, is, that the Dominion should not afford protection to a manufactured article, and thus exclude the raw material from coming into competition

Hon. Mr. Dickey.

with it. The sugar duties are now abolished in Great Britain, but, while they were exacted there, there was a low scale for the low quality muscovado; there was a higher scale for the grocery description, and still a higher scale for the refined article. And such a system was considered fair and just, not at all encroaching upon free-trade principles, for it was allowed that there is a foreign matter in muscovado sugar, and there is also a large percentage of molasses, and, when manufactured into refined sugar, there is a large percentage of waste, and it was, therefore, deemed unfair to charge as high a rate of duty upon impure sugars as upon the pure article. You might as well charge as high a duty upon a weak spirit as upon a strong spirit, that will admit of adulteration; but, in this respect, there is a fair allowance made, and the same principle should be adopted—and is all we ask—in regard to the weaker sugars.”

This is simply what the people of Halifax, and of the Maritime Provinces generally, ask from the Government of this country, and we cannot understand why it is that they should be so persistently opposed to it. If we asked for more than other manufacturers, it would only be reasonable to be met with the argument, that Parliament has no right to give one interest a special privilege that would not apply to the whole Dominion. But the Maritime Provinces think they have a right to the trade by the sea. They have large shipping interests and they consider that those shipping interests should be encouraged by every means that will promote their prosperity. The people of Halifax do not look so much to the sugar interest in this matter, as they do to the opening up of a profitable trade for their smaller class of vessels, between there and the West Indies, by enabling them to get return cargoes. They would be satisfied to bring sugar and molasses at a low rate of profit, if they could get a return cargo, as it would also promote a trade in spirits, and other goods with those Islands, and thereby keep up their old name of being a West India depot for their goods.

Hon. Mr. DICKEY—I will call the attention of the hon. Secretary of State to the effect of this system of trade. In 1872 the importation of sugar into Nova Scotia amounted to 31,960,000 pounds, and it had fallen off last year 1876-77 to 7,517,036, or to less than one-fourth of what it was in 1872—that is from the West Indies. In the year ending the 30th of June 1876, there were duties paid in the Dominion on 104,445,778 pounds of sugar, of which

only about one-fifth was from the West Indies.

Hon. Mr. SCOTT—I am quite aware of that.

Hon. Mr. READ—There is another important feature of this question which we have not discussed, and it is this: whether freight can be transported by rail as cheaply as it can be carried by water. I know that in England railway managers tell us that railways run alongside navigation and beat it. Whether it can be done on this continent or not I am not prepared to say. Perhaps our railways are not constructed with sufficiently easy grades to enable them to do the business as well. I know that the small engines sent out for the Grand Trunk Railway were capable of drawing 300 tons in England, whereas they only draw from 150 to 180 tons on our roads, and when they draw 200 tons they are considered extraordinarily good engines. The question resolves itself into this: if a railway can compete mile for mile with sailing vessels or steamers in carrying freight, we can calculate to a certainty that the Intercolonial will at some future date be brought into great requisition as a through route for western produce. A gentleman who has been all his life in the forwarding trade, and has sent ships to all parts of the world, has recently told me that there was no doubt the shortest and quickest route from Chicago to Liverpool would take the traffic. I have compared the distances, taking Chicago and Liverpool as objective points, and I find that by the Intercolonial Railway and Halifax, there are 600 miles more rail and 600 miles less water than by the route *via* New York to Liverpool from Chicago—the distances each way being about the same, about 4,000 miles—so that if freight can be carried as cheaply by rail as by water, we may expect yet to see our railways doing a flourishing trade. Every one knows it is a difficult matter to change the current of trade once it has settled down in anyone direction. There must be a commencement, however, and I think we should do all in our power to encourage trade over our own railways and from our own parts. There appears to be some little misconception about the building of the Intercolonial, as an hon. gentleman stated that there were ten millions thrown away in the location of that route.

*Hon. Mr. Dickey.*

Hon. Mr. SCOTT—Seven millions.

Hon. Mr. READ—I cannot see that there has been seven millions thrown away on it. I will take as proof that the money has not been wasted, the report of Mr. Sandford Fleming addressed to the Hon. Alexander Mackenzie, Minister of Public Works. Mr. Fleming surveyed fifteen different routes to find out the best line. Of the three main lines the shortest amount of road to be built was on the frontier route 401 miles already built 184, making in all 585 miles. The central route, the shortest distance between Riviere du Loup and Halifax, the amount of road to be constructed was 422 miles, eighty miles already built, and on the Baie de Chaleur route the amount of road to be constructed was 486 miles, sixty-one being already built, so that the latter was shorter than the frontier route that we have heard so much about, by 38 miles. By the frontier route we would have 38 miles further to travel for all time to come, but we would not have had quite so much road to build in order to connect with the then existing railways. Had we taken the longest route we would have had only to build 401 miles of road; by the next shortest route we would have had to build 422 miles, and by the shortest route we had 486 miles to build. On the frontier route there was at that time 184 miles built; on the central route there were 80 miles built and on the Baie de Chaleur route—the one adopted for the Intercolonial—there were only 61 miles built. It is quite evident to my mind, that from a national as well as from a commercial point of view, we could not have selected a better route. It is reasonable to expect that Newfoundland will yet come into the Confederation, and it will be an inducement to that Province, as it was to Prince Edward Island, to have the railway come so near them. Had the frontier route been adopted, this would not be the case, and no doubt the extra cost of building so much more new road would have been required to renew the old road, with which it would have had to connect, had the frontier route been selected. Then as regards the Imperial guarantee, the Imperial Government appointed Mr. Fleming, because they had confidence in him, and they had agreed to guarantee our debentures for £3,000,000, sterling, at 3½ per

cent, extending over a period of forty years. Was that not a great boon to Canada, considering the state of her finances at the time, and the prices at which our bonds were selling? I looked at the *Montreal Herald* of that period—a good authority—to see how our stock stood in the English market in those days, and ascertained what profit we were deriving from the Imperial guarantee. I found on the 26th of April, 1866, Canada 5 per cents stood at 82; Montreal Harbor 8 per cents, 102. June 20th, 1866, Canada 6 per cents were 97 to 98; Canada 5 per cents, 81 to 82; Montreal City Corporation 6 per cents, 88½ to 89. Was it not a great boon to this country to be able to borrow money at a low rate of interest, for forty years, when our bonds were selling at such a low rate, the only stipulation by the British Government being that we were to be satisfied with the route? I find in the correspondence, the Duke of Buckingham and Chandos says, that the Baie de Chaleur line is the only one that provides for the national objects of the undertaking, and consequently would be the only line that the Imperial guarantee would be given to, which saved us many millions of money in interest, thereby cheapening the road to us immensely. I have shown that the Intercolonial Railway—a work which we are all proud of—was constructed in the cheapest and best possible manner, in the interests of this country, and I fail to see, that there has ever cropped out, what there has already cropped out, and will, I fear, crop out again, the blundering and jobbery that has been exhibited in the construction of the Pacific Railway.

Hon. Mr. RYAN—As allusion was made by the hon. Secretary of State, in the course of this debate, to the West India Commission, of which I was a member, I think it is only right that I should say a few words in reply to the remark that no result had come from the labors of that Commission.

Hon. Mr. SCOTT—With regard to the West India trade only.

Hon. Mr. RYAN—Allusion was made to the Commission generally, but I intend to confine my observations chiefly to the trade of the West Indies, although it was a Commission not only to the West Indies, but to South America and the

*Hon. Mr. Read.*

Brazils; and while I contend that large and important results arose from the labors of that Commission, if these results were not better, it was not the fault of the Commissioners, and I wish to defend the members of that Commission from the inferences that would be drawn from the remarks of the hon. Secretary of State, that it was owing to them that the results were not more important.

Hon. Mr. SCOTT—The hon. gentleman misapprehends what I said.

Hon. Mr. RYAN—I am very glad that the hon. Secretary avows now that he did not intend such an imputation or insinuation. But, taking his words as they were uttered, and as I have no doubt they were taken down by the reporters, they amounted to a taunt or slur on that Commission.

Hon. Mr. SCOTT—I said that we, ourselves, had been stimulated under a pressure in 1874 to endeavor to establish that trade under a bonus, but we found it would cost \$200,000 a year to make two trips in the month, and \$150,000 to make a trip once a month.

Hon. Mr. RYAN—I think the hon. members of this House are not aware of all the circumstances attending that Commission, and the very natural conclusion to which they would likely come, from the remarks of the hon. gentleman, was that the members of that Commission had been deficient in their duties.

Hon. Mr. SCOTT—No, no.

Hon. Mr. RYAN—I am delighted to find that the hon. gentleman did not consider us deficient in that respect, but I desire to explain the causes which led to that Commission not producing the results which it might otherwise have done, and as those results would have been closely connected with the subject that has occupied the attention of the House this evening, I think I may properly now refer to them. I will not detain the House by noticing all the circumstances under which the Commission was appointed, but we returned from our labors and reported to His Excellency Lord Monck in 1866, after a four months' voyage in the West Indies and the Brazils. In quoting that report, which is a very short one, I think my hon. friend the Secretary of State merely touched upon the sixth or last recommen-

dation, which is one of a very general character, and really of no special bearing on the subject of this report.

Hon. Mr. SCOTT—I quoted the fifth, sixth and seventh.

Hon. Mr. RYAN—The fifth, sixth and seventh are to this effect:—

“5th. To obtain if possible, from the Spanish and Brazilian authorities a remission of the heavy dues now chargeable on the transfer of vessels from the British to the Spanish and Brazilian flags.

6th. To procure, by negotiation with the proper authorities, an assimilation of the tariffs of the British West India Colonies in respect to flour, lumber, fish, and the other staples of British North America, a measure which would greatly facilitate commercial operations, and may well be urged in view of the assimilation about to be made in the tariffs of Canada and the Maritime Provinces.

7th and lastly.—To promote by prudent legislation, and a sound fiscal policy, the rapid development of the great natural sources of the British North American Provinces, and to preserve as far as lies in their power, the advantage which they now possess of being able to produce at a cheaper cost than any other country, most of the great staples which the inhabitants of the Tropics must procure from northern ports.

These, it will be observed, are of a comparatively ordinary character, and seem to have been selected by the hon. gentleman rather invidiously as the complete recommendations of the Commission, leaving out the 1st, 2nd, 3rd and 4th items, which, the House will perceive, contains the pith and substance of the report. They are as follows:—

“1st. To establish promptly a line of steamers suitable for the carriage of mails, passengers and freight, between Halifax, Nova Scotia, and St. Thomas, in the West Indies, touching (until the completion of the Intercolonial Railway) at Portland, in the United States, so as to secure regular semi monthly communication between the ports mentioned.

2nd To make a convention or agreement with the Postal authorities of the United States for the prompt transmission of letters, &c., from Canada and the Maritime Provinces, by every United States mail which leaves the ports of Boston or New York for the West Indies, Brazil, Mexico, &c., and also for the transmission, through United States mails, of correspondence originating in those countries.

3rd. To establish a weekly line of steamers between Montreal and Halifax, and to complete as soon as possible the Intercolonial Railway.

4th. To procure, by reciprocal treaties or otherwise, a reduction of the duties now levied on flour, fish, lumber, pork, butter, and other staple productions of British North America,

*Hon. Mr. Ryan.*

in the West Indies, and especially in Brazil and the colonies of Spain.”

Now, hon. gentlemen, the 4th was really no less than a recommendation for reciprocal free trade with the British and Foreign West Indies in which our sister colonists seemed well disposed to meet us half way.

Hon. Gentlemen—Hear, hear.

Hon. Mr. RYAN—This should have been gone on with, but I am sorry to say that the Government of the day did not act, and no Government that has come into power since this report was made has ever acted upon the recommendations of of the Commission.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. RYAN—I dare say the argument will be used. “Oh! it was another Government that was in power at that time,”—Hon. gentlemen, it is a misfortune with us in this country that such is the style of argument that is used often to the detriment of wholesome measures, and we are too prone to baiting each other from one side to the other, saying that this party did one thing, and that party did not do another, but in this case I must include in a general censure each and every Government who have neglected to move, until too late, in this matter so important to Canada. The Commissioners made this recommendation without reference to local or party interests, solely in the interests of the Dominion, and I am sorry to say it has never been acted upon.

Hon. Mr. PENNY—By those who appointed you.

Hon. Mr. RYAN—Nor by those who did not appoint us. I am sorry to say there were a great many cutting remarks in the press about the Commission at that time. Where they came from I can well understand, and they were of such a character as to tend to mar our exertions and belittle services which were entirely gratuitous.

Hon. Gentlemen.—Hear, hear.

Hon. Mr. RYAN—Again our report recommends:—

1st. To establish promptly a line of steamers suitable for the carriage of mails, passengers and freight between Halifax, Nova Scotia, and St. Thomas, in the West Indies, touching (until the completion of the Intercolonial Railway) at Portland, in the United States, so as to secure regular semi-monthly communication between the ports mentioned.

This was another important item which the hon. Secretary of State has overlooked altogether in his quotations. We not only recommended that a line of steamers should be promptly established, but did so on assurances from all the West Indian Governments that they would join in the scheme and pay a large portion of the expense; that, in fact, so far as we could calculate, they would have contributed probably one-half of the subsidy for such a line of steamers, which I think the hon. Secretary of State mentioned as probably \$200,000.

Hon. Mr. SCOTT—That was in 1874 or 1875.

Hon. Mr. RYAN—Demarara offered to pay \$25,000; Barbadoes offered to pay \$25,000, and other colonies and foreign islands would have probably brought the amount up to \$100,000.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. RYAN—If that and other recommendations were neglected by the Government, the members of the Commission cannot be blamed for their labors producing few results; still important results have been produced by the diffusion of information regarding Canada, producing a large increase, amongst others, in the trade in lumber with Brazil. At the time the Commission was appointed Brazil and the West Indies did not know much about these Provinces in the way of direct trade, with the exception of Newfoundland, Halifax and St. John; even from these ports they had not taken much of their lumber, and scarcely any of their flour. If, on the return of the Commission, the Government had acted promptly on their recommendations—and as still might be done—formed a convention for the reception of their sugars free—or nearly free—of duty, and they had in return received our produce free of duty, we would have created a large direct trade, which was then done and has since been continued by the United States.

Hon. Gentlemen—Hear, hear.

Hon. Mr. RYAN—The Commission were met everywhere with complaints in the West Indies and the Brazils, of the diffi-

Hon. Mr. Scott.

culty and uncertainty of postal communication with Canada; that, when they sent a letter, it was so long before they received a reply that they did not know but the markets might have changed altogether, so that they could not transact business with any degree of safety or satisfaction. "But," they said, "give us regular postal facilities; we will contribute towards it, and when we can be sure that our letters will be transmitted in a certain time, we can transact business with you." But unfortunately we gave them no postal facilities. Baltimore and New York were so much nearer that they preferred to trade there, but at the same time they were disposed to trade with us if we would meet them in a fair spirit. The Commission came home and made this report. Following their return, there is no doubt whatever that the trade with the West Indies and Brazil increased. The demand for Canadian products was good. But when they found that instead of reducing the duties on their sugars, we enhanced them, they, of course, began to doubt the stories that the Commission had told them of what the Canadian Government were disposed to do. When they found also that the idea of regular postal communication—a subject which they were very warm on—seemed to be given up altogether, they made their connections with other places. Steamers were put on from Baltimore and other ports, while the Canadians lost caste and character by not keeping the promises which the Commission had made under authority, so that if the results of that Commission have not been such as might have been expected from their labors, the fault did not justly lie with them.

Hon. Gentlemen—Hear, hear.

Hon. Mr. NORTHUP amended his motion so as to read as follows:—

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House all correspondence between any person or company and the Government, or the Superintendent of Railways, relating to shipment of grain or other articles, by way of the Intercolonial Railway at Halifax for Europe."

The motion as so amended was agreed to.

## THE LIQUOR TRAFFIC REGULATION BILL.

### HOUSE IN COMMITTEE.

Hon. Mr. SCOTT moved that the House go into Committee of the whole on Bill (J) "An Act respecting the traffic in intoxicating liquors."

Hon. Mr. VIDAL, in amendment, seconded by Hon. Mr. Girard, moved, that before the Speaker leaves the chair, it be an instruction to the Committee to amend the Bill in the manner following:—

"1st. On page 1, after line 34, insert: "The Legislature of any Province of the Dominion may, by Address to the Governor General in Council, duly certified and transmitted by the Lieutenant Governor, ask that the second part of this Act may be brought into force in that Province, and the Governor General in Council, on receiving such Address, shall, by Order in Council, published in the Canada Gazette, and in the Official Gazette of the Province, declare that the second part of the Act shall come into force and take effect in such Province, at such date as may be consistent with the provisions of the 93rd section of this Act, in the case of a city or county with respect "to existing annual licenses for the sale of spirituous liquors."

2nd. On page 20, after line 7, insert: "No Order-in-Council issued under the provisions of this Act to bring its second part in force in any Province, shall be revoked until after the expiration of two years from the day of its coming into force; nor unless, and until the Legislature of such Province, shall, by Address to the Governor-General-in-Council, duly certified and transmitted by the Lieutenant Governor, have asked for such revocation."

3rd. On page 20, after the word "Act" in the ninth line, insert "to bring its second part into force and effect in any county or city."

4th. On page 24, between clauses 105 and 106 to insert a clause authorizing the arrest and detention of any person found in a state of intoxication, and compelling such person on conviction to disclose where the liquor was obtained.

5th. On page 19, to strike out all that part of section 92, after the word "years" in line 37.

6th. On page 20, to strike out that part of section 94 from the word "Council" in the 22nd line to the word "and" in the 38th line."

He said: My object in taking this course I intimated briefly when addressing the House at the second reading of the Bill. I may repeat so far as to say that my reason for doing so is, the amendment is a very important one in its character, and though, in my own judgment, it

*Hon. Mr. Scott:*

is really a natural consequence of the provisions we find in the Bill, and may be considered with propriety as an amendment that might be offered in Committee, I am well aware of the fact that in the opinion of many hon. gentlemen, and of many friends of the temperance cause outside this House, that it is considered a very essential amendment, affecting the principle of the Bill; consequently, I feared if this view should prevail, it might be ruled out of order if it should be offered when the House is in Committee. I desired also, on account of the important character of these amendments, that they should be in the hands of hon. members some days before the Bill was discussed, in order that they should have an opportunity to carefully consider the provisions, and so be prepared to act more intelligently upon them than they could if they were sprung upon the House without previous notice. I do not propose to occupy the time of the House with any lengthy remarks on those amendments, as I am exceedingly anxious that the Bill should go to Committee in order that some progress may be made with it. I may explain, however, that my first three amendments relate, as will be observed, to extending the provisions of the Bill so as to embrace provinces. As it now stands, its provisions only extend to cities and counties. It has been objected that the adoption of the mode by which I propose to bring the second part of the Act into operation in a whole province by an address of its Legislature to the Governor in Council, there would be a departure from that principle of the Bill, which requires that it shall be a direct expression of the will of the electors of the different counties or cities, arrived at by a vote taken upon the question itself, unmixed with any other. I do not consider that when I propose, as I do in this amendment, that the Legislature of any Province may, by an address to the Governor in Council, ask that the second part of this Act be brought into force, that I am, in the least degree, either going beyond, or acting contrary to, the idea of a popular vote upon the question. My intention is simply to extend to the groups of counties known as provinces, the privileges and powers that are in this Bill given to a single county or city. My reason for suggesting the mode by which this may be arrived

It is based chiefly upon economy. It must be obvious to hon. gentlemen that to take the vote of a whole province, such as the Province of Ontario, would be a very costly affair. It would involve the same expense as a general parliamentary election. This is no trifling matter; it is one worthy of very great consideration. It also appears to me that very great, if not insuperable, difficulty would arise in getting, and especially in verifying, the requisite petition to the Governor-in-Council, signed by 25 per cent of the electors of the whole province; it would be such a cumbrous affair that it would be impossible to get it satisfactorily accomplished, and it would, in my judgment, be idle and delusive to put such a provision into the Bill. I think, also, it would scarcely be so fair to the people of the Province as the system I propose. We can easily imagine a group of counties in one end of the Province being diligently canvassed and the names of one-fourth of the number of electors of the Province being procured for the petition in that way, when perhaps a very large number of counties at the other end have had no say in the matter, and might be wholly opposed to the measure. It would thus give to a cluster of counties, if they acted with unanimity, an opportunity of involving the country in the great expense of an election which might have been avoided by a more general canvass, if showing a majority against the petition. These difficulties have suggested themselves to my mind as making a Provincial popular vote undesirable, not that I am afraid to submit this question to the people, for I am perfectly satisfied that unless the measure receives the support of a large majority of them, it must be inoperative.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. VIDAL—I contend, however, that the mode by which I wish to arrive at the will of the people in a Province is in harmony with our constitution, and with British usage—in fact the most legitimate and constitutional way is through the Legislature, where every county is represented by its majority in the person of its member, who has been instructed as to the wishes of his constituents, and will vote on the question as the majority of his constituents may

Hon. Mr. Vidal.

desire. My amendment would not give the Legislature of a Province any power to legislate on this question, but simply provides that it shall have the same privilege, by an address to the Governor-General, to bring into force the second part of this Act in a Province, that cities and counties have, by petition of the electors to bring it into force in those smaller sections of the Province. If the principle of this amendment does not meet the approval of the Senate the first three sections of the motion must drop, but if the first is adopted, the second and third follow as a matter of course. In the fourth amendment I propose to introduce a new feature. I propose to insert a clause similar to one which I find in the Act for the protection of Indians, which I think is important, and may with advantage be introduced into this Bill. I have never been able to see on what principle the Indians are entitled to protection by law in this matter more than white men or the children of white men. What is beneficial to them is beneficial for others, and in inserting the clause I propose merely to substitute the word "person" for "Indian," so that it shall read as follows:

"It shall be lawful for any constable, without process at law, to arrest any person whom he may find in a state of intoxication in any county or city in which the second part of this Act is in force, and to convey him to any common gaol, house of correction, lock-up, or other place of confinement, there to be kept until he shall have become sober; and such person shall, when sober, be brought before any Judge, Stipendiary Magistrate or Justice of the Peace, and if convicted of being so found in a state of intoxication, shall be liable to imprisonment in any common gaol, house of correction, lock-up, or other place of confinement, for any period not exceeding one month. And if any person having been so convicted as aforesaid should refuse upon examination to state or give information of the person, place and time from whom, where and when he procured intoxicating liquor he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days."

I think that the introduction of that clause into the Bill will be followed with very good results, and it would meet with the approbation of the friends of temperance throughout the country. The next amendment which I wish to make, is that of taking away the privilege which the present Bill proposes to confer upon persons who may be dissatisfied with the Act when it shall come in force, and which

provides that after it has been in force one year, a majority of the electors may, by petition, have the question re-opened, and a vote taken with a view to its repeal. In my opinion, that is a very objectionable feature of the Bill. I believe it will keep the country in a state of constant agitation. No sooner would the second part of the Act be brought into force in any county, than there would be interested persons who would begin a process of agitation to try and get it revoked, before the law could be fairly tried or its effects appreciated. I think it would be wise to strike out the parts of the two sections which confer this privilege, and not to allow the decision to be reversed in either case, until three years have elapsed. My amendment works both ways, not only against repeal where the petition was adopted, but against renewal of petition where the vote was against it, and I am satisfied that it would be attended with this good result: that there would not be such hasty action, as if the Bill were left in its present shape. When the electors know that adopting the petition will bring the Act irrevocably into force for three years, it will make them more cautious in voting, and check any hasty and ill-considered expression of the people's will. I trust it will be understood by every hon. member that I do not offer these amendments, or any others which I may propose in committee, with the view of obstructing, or in any way jeopardizing the progress of the Bill through this House. It is my earnest desire that the Bill should pass, and that only such amendments may be made to it as will commend themselves to the friends of temperance as improving the Bill, and tend to make it acceptable to the people of all the Provinces of the Dominion. This motion stands or falls upon its own merits, and if the House rejects the views I have advanced, the Bill then comes in untrammelled for the action of the committee.

Hon. Mr. GIRARD—I have great pleasure in seconding the motion of my hon. friend. At the same time I do not think the Government will have any serious objections to the amendments. It would certainly be a great advantage if the Provinces were allowed to deal with this question in the manner proposed by my hon. friend from Sarnia. I believe

*Hon. Mr. Vidal.*

that the Province which I represent would have no difficulty in adopting it, and it seems to me we can have as strong an expression of the will of the people in that way as by a plebiscite. I concur fully in the remarks of my hon. colleague on this subject. My intention is not to imperil the Bill, or throw any obstruction in the way of its becoming law, but I think the amendment proposed will greatly improve it.

Hon. Mr. AIKINS—Some of the amendments proposed by the hon. gentleman from Sarnia I concur in, but others of them do not commend themselves to my judgment very strongly. I refer to the first three amendments which he proposes; for the reasons that the temperance people have not asked for them, and I think it would be most unfortunate if public sentiment was not educated up to that state where a decided majority of the people were in favor of the law, that it should be applied to any Province.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. AIKINS—And I do not think there would be the same opportunity to determine that by an address to the Legislature that there would be under this Act by having a plebiscite of the counties or cities. I trust that the hon. gentleman will not insist on the first three amendments; if he does, I shall have to vote against them. With regard to the fourth amendment, it has been found almost impossible under the Dunkin Act, when a man is arrested for drunkenness, to get evidence as to where he got the liquor, and unless a clause of the kind suggested is introduced, the Bill will be inoperative to a certain extent. The other amendments proposed ought to be adopted. That is, in a county where the principle of this Bill has been accepted by a majority of the people, there should be no provision to repeal it until it has had a three years' trial. In the same way I do not think, after the principle of the Bill has been negatived by a county, that any petition for its adoption should again be entertained until after the expiration of three years.

Hon. Mr. SCOTT—The hon. mover of this motion has furnished the best argument against the adoption of his first three amendments when he said, in the course of his observations, he was quite

aware that unless the great majority of the people were really in favor of this particular measure it would be idle to enforce it—that in any section of the Province where public sentiment was hostile to it, it would be impossible to put the law in force. It is simply impossible to expect that in all parts of a province the people can be educated up to this question to the same extent. We can all of us name counties where the law can be carried out, and we can all name counties where it is impossible to enforce such a law; the people would conspire to bring it into ridicule if it were forced upon them. There are provinces, I have no doubt, where popular sentiment is in favor of this law, and county after county will adopt it, but it will be by the direct vote of the people. The very principle of this Bill is that it depends on the voice of the people solely. It is a peculiar subject, affecting, as it does, the rights which a great many people think it is not proper to deprive them of; therefore it is different from ordinary legislation, and is the main reason why the popular sentiment should go with the law wherever there is an attempt made to enforce it. With regard to the second proposition, I should not like to be bound yea or nay to it until I come to consider it. I am favorable to it on principle, but whether it is a subject matter that should be embodied in this Bill I am not prepared to say. With regard to the proposition that if the law is once adopted in a county it should remain undisturbed for three years, I see no objection to it personally. The clause was introduced, as it is to meet the case of a catch vote being taken where it was not really in harmony with the sentiment of the people, and to provide that the question should be reopened a year afterwards if the people were dissatisfied. I have not the slightest objection to this amendment, and if the House is desirous to adopt it I will accept it.

Hon. Mr. BOTSFORD—Before this vote is taken I wish to say that I am decidedly in favor of the principle of the Bill, and I consider it is a much safer one than the proposition made by the mover of this resolution. I am very loth to transfer to any Local Legislature the power to adopt this law without an appeal to the people beforehand.

Hon. Mr. Scott.

Hon. Mr. WARK—Hear, hear.

Hon. Mr. BOTSFORD—I am satisfied that the only way you can enforce this law is by ascertaining the opinion of the majority of the people in the county or district where it is proposed to adopt it. It is, in my opinion, the safest way. I believe if due authority were given to Local Legislatures to enforce this Bill without an appeal to the people to ascertain whether a majority of the electors were in favor of it, it would just end in the law not being enforced at all. I entirely approve of the principle of the Bill, that it shall only be applied where there is a fair expression of the will of the people in its favor. I have no doubt that county after county will adopt the measure once it becomes law. Temperance people are a zealous, active class of men, who would force their opinions upon the Local Legislatures in such a way, under the proposition of my hon. friend from Sarnia, that they would be sure to influence a majority of the members in its favor, although a majority of the electors might be against it. I have no doubt myself that a less expensive mode could have been adopted for ascertaining the will of the people, but it is a question on which there may be a difference of opinion, and I shall be prepared to vote for the Bill as it is, rather than adopt the suggestion of the hon. gentleman who has moved this motion. Then there is another proposition of my hon. friend, that the party convicted of having obtained liquor shall be compelled to declare from whom he got it. I do not know what mode the hon. gentleman proposes to take to compel a man to give evidence under such circumstances—whether he intends to resort to the old inquisition system of torture, or what it is. I would suggest to my hon. friend that he should withdraw his motion, and propose his amendments when the House goes into Committee of the Whole on the Bill.

Hon. Mr. VIDAL—I would like to state that the reason why I consider my proposition to be, in effect, the same in principle as a plebiscite is, that I presume no Legislature of a Province would venture to take such action unless they were perfectly satisfied that the majority of their constituents would sustain them; and if they wished to apply this principle

of a plebiscite, there is nothing to hinder their having a general vote taken on it without any cost, simply by making provision for an additional mark on the ballot paper used at the annual municipal elections. The question of jurisdiction has been suggested as a difficulty in the way of carrying out my proposed plan for provincial action, but to my mind it would be the feature of the Bill least liable to have its constitutional legality called into question, because there would then be concurrent action by both Dominion and Local Legislatures, and there could not, under such circumstances, arise any question of *ultra vires* as between the two concurring bodies. I cannot consent to withdraw my motion, because I am desirous that my effort in this direction should remain on record, and I am satisfied that it would be sustained by four-fifths of the temperance people in the Dominion.

The motion was lost on a division.

The House then went into Committee of the Whole, Hon. Mr. Penny in the chair.

The title and preamble of the Bill were read and postponed.

The first clause was read and agreed to.

On the second clause, " Interpretation clause,"

Hon. Mr. SCOTT said he proposed to amend this Section to define the word "county" so that it would include every minor municipality or parish in a county, except a city.

Hon. Mr. VIDAL asked if it was not possible to so define a county as to include a city situated within its limits, which is not represented in Parliament, so that a vote could be taken for the city and county together whenever it was proposed to adopt this legislation.

Hon. Mr. DICKEY considered the proposed amendment included every municipality in a county.

Hon. Mr. SCOTT said the word "county" would embrace all minor municipalities except cities, and he thought that was the most convenient and definite mode of separating the territorial limits. Sometimes there were large cities and small counties, and sometimes small cities and large counties, and in such cases as one would outweigh the other, it was consi-

*Hon. Mr. Vidal.*

dered better to make the division so that the vote could be taken separately to apply the act.

The further consideration of the clause was postponed until to-morrow.

The Committee then rose and reported progress and asked leave to sit again to-morrow, this order to take precedence of notices of motion.

The motion was agreed to and the House adjourned at 6.10 p.m.

## THE SENATE.

*Ottawa, Wednesday, April 3rd.*

The SPEAKER took the chair at three o'clock p.m.

After Routine proceedings.

## PETITIONS FOR PRIVATE BILLS.

### THIRD EXTENSION OF TIME.

Hon. Mr. MILLER called the attention of the House to the fact that the time for receiving petitions for private bills had been twice extended this Session, and had again expired. The same thing also prevailed with regard to the presentation of reports of the Committee on Standing Orders and Private Bills. After the time had been extended twice, he did not think it necessary to ask for any further extension, in fact he did not consider it his duty to do so, as he presumed the management of the business of the House was under the control of the Government, and it was a step that should be taken by the leader of the House. The presentation of reports under existing circumstances was irregular, and he would have to ask the leave of the House to present two reports from the Committee on Standing Orders and Private Bills.

Hon. Mr. PELLETIER proposed to extend the time for receiving reports on private bills until Monday next.

Hon. Mr. MILLER said this showed the absurdity of the rule that limited the time to three weeks after the meeting of Parliament. He thought it was a rule that required amendment, as the time

necessarily had to be extended every Session.

Hon. Mr. DICKEY suggested that the time should be extended until Tuesday.

Hon. Mr. SCOTT said a large number of bills had to come up from the other House yet.

Hon. Mr. PELLETIER proposed to extend the time until Thursday, the 12th inst.

Hon. Mr. BELLEROSE said an exception ought to be made in favor of bills coming up from the lower House. He gave notice that he would move, on Friday next, to amend the rule, so that it would apply only to bills originating in the Senate.

Hon. Mr. SCOTT said he considered the rule was intended to apply only to bills originating in the Senate.

The motion was agreed to.

## BIBLE CHRISTIAN MISSIONARY BILL.

### CONCURRENCE IN AMENDMENTS.

Hon. Mr. AIKINS moved that the House do concur in the amendments made by the Committee on Standing Orders and Private Bills to Bill (K) "An Act to incorporate the Missionary Society of the Bible Christian Church in Canada." He said the amendments made were in effect the same as those that had been made to the Baptist Foreign Missionary Bill, and he did not suppose any objection would be made to the third reading.

Hon. Mr. BELLEROSE said the question of the constitutionality of this Bill still remained unsettled, and he believed it should be referred to the Supreme Court for the opinion of the Judges. No doubt the Bill had been amended in such a way that the Association were not empowered to hold lands, or to have anything to do with education, but they were empowered to accept personal devises, which was a matter affecting civil rights, and as such, it was legislation that belonged to the Local Legislature. He moved that:—

"The Bill be referred to the Judges of the Supreme Court for their opinion on the ques-

Hon. Mr. Miller.

"tion, whether this measure does or does not relate to a matter coming within the class of subjects assigned exclusively to the Legislatures of the Provinces by the British North America Act, 1867, section 92, sub-section 13, "Property and Civil Rights in the Provinces."

Hon. Mr. AIKINS said if his hon. friend intended to press his motion, he would move to have the third reading postponed until to-morrow, as he only had charge of the Bill in the absence of his hon. friend from Bowmanville. It would be remembered, however, that when the Christian Brothers' Bill was sent to the Supreme Court, the Chief Justice refused to join in the decision upon it, because he did not believe that Court was constituted for passing judgments on bills referred to them in that manner.

Hon. Mr. MILLER suggested that concurrence should be taken on the amendments now, and that the motion of Mr. Bellerose should stand as a notice to be moved on the third reading of the Bill.

Hon. Mr. TRUDEL said it would be better if his hon. friend did not refer to any particular clause of the British North America Act, but simply move to refer the Bill to the Judges, for their opinion on its constitutionality.

Hon. Mr. BELLEROSE allowed his motion to stand as a notice, the amendments were concurred in, and the third reading was ordered for to-morrow.

## THE LIQUOR TRAFFIC REGULATION BILL.

### HOUSE AGAIN IN COMMITTEE.

Hon. Mr. SCOTT moved the House into Committee of the Whole on Bill (J), "An Act respecting the traffic in Intoxicating Liquors"

In the Committee,

Hon. Mr. SCOTT said he had amended the second clause to define the word "county," so as to include every town or other municipality except a city, and also to include a union of counties where they were united for municipal purposes. It was simply to define clearly the territorial limits between cities and counties, the latter to embrace all else than cities within its area, of a minor character.

Hon. Mr. DICKEY said there might be portions of counties that were not mentioned, and which by a nice distinction in

the working of the Act might be excluded from the county. He suggested that it would be better to make it read "Counties shall include all portions of the territorial area of a county except cities."

Hon. Mr. SCOTT said he would see that all ambiguity would be removed from the interpretation clause.

The clause was agreed to.

On the 3rd clause, "Repeal of Act of the Province of Canada, 27 and 28 V., c. 18,"

Hon. Mr. SCOTT said he proposed to restrict the repeal of the Temperance Act of 1868 to the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th clauses, which were the prohibitory clauses. That was to cover the case of several counties in Ontario, in which votes had been taken under the Dunkin Act, and in which that law would come into operation at the termination of the present year of license, that was on the 30th of April. He thought it better to have the Dunkin Act entirely independent of this Act, so that in the repeal of the Dunkin Act they should employ the same machinery that they had in putting it in force. There was this provision, however, that where this Act might be carried in a county, it practically superceded the Dunkin Act, but if this Act should subsequently be repealed in that particular county, it would revive and bring into operation again the Dunkin Act in those townships in which it had previously been in force.

Hon. Mr. DICKEY said after the passing of this Act there would be practically two acts running *pari passu* in Ontario and Quebec. He considered it most unwise legislation, and after the very general expression of opinion on the part of members of this House as to the necessity for referring this Bill to the Supreme Court for the opinion of the Judges, he would ask the hon. Secretary of State if he was prepared to go on in defiance of that opinion?

Hon. Mr. SCOTT said he was quite aware of the very strong opinions expressed by some hon. gentlemen, that it would be better to refer this Bill to the Supreme Court. He could not concur in that view, however. In the first place, he would not expect that the judgment of the Supreme Court, given on an abstract

*Hon. Mr. Dickey.*

principle without a living case before them, would be worth very much. In the next place, he was not prepared to admit it was a question of that character which it was contemplated by the British North America Act, that the House should remit to the Supreme Court, and he considered it would be unfortunate that this House should part with the prerogative of passing an opinion on a measure of this kind. There were gentlemen in this House whose opinion he would have as much respect for as any of the Supreme Court judges. He believed the questions that came up for discussion in the House of Commons and in the Senate qualified the members for gauging the constitutionality of their own legislation as well, if not better, than the Supreme Court Judges whose attention had not perhaps been directed so closely to it, and there had been very few cases in which the prerogative of the two Parliaments—Federal and Local—had clashed. The judges had taken great care when Bills were referred to them to express as limited a judgment as possible in every case. Therefore he felt that they could not really secure from the Supreme Court, such a judgment as he would like to concur in, unless the Judges themselves had the opinions of the judges in the lower courts on a live issue coming before them in the ordinary course of procedure. Unless that were done he did not think that this House should be foreclosed by a hasty opinion of the Supreme Court upon an abstract question, given without an opportunity of having the various points analyzed by all the legal accumen that is necessary to bring an important case fairly before that court.

Hon. Mr. MILLER said, he presumed that the Government had decided this Bill should go through Parliament; that it should be placed on the Statute book, and that it should take its risk as to whether it was constitutional or not. He regretted this course, and thought the Government, without any desire to censure or attach blame to them, would have acted far more wisely, and far more in the interests of this House, and the people whom they wished to serve, if they had submitted the Bill to the Judges for their opinion as to its constitutionality. He could not concur in the remark of the hon. Secretary of State, that it would be very difficult to

get the opinion of the Supreme Court, without a case, was regularly submitted and argued by counsel on both sides; the contrary, he believed, was exactly the case. To get an opinion on the constitutionality of the Bill after it became law, they might have to wait until a case should arise, under every feature of it; whereas, if it were referred to the Judges as a whole, it would be competent for them to pronounce upon every feature of it—either in whole or in part—and, after such a judgment from the highest court in the land, the country would have something certain and fixed to guide them in connection with this subject. He regretted the course being pursued by the Government. He did not do this as a temperance advocate, as he did not profess to be a temperance advocate, but he did it as a friend of sound legislation, and in order that they might not place upon the Statute book a law which might create confusion, litigation, trouble and expense. With regard to the amendment proposed by the hon. Secretary of State to the third clause, he thought it unfair that it should be sprung upon the House—he did not use the word in an unfair sense—without communicating the fact that he proposed to make so important a change. The amendment was a very important one, and he thought it should be printed before it was taken into consideration. The intention of the Bill as it stood was, to repeal the Dunkin Act in every part of the Dominion where it was not actually in force, or where it was not in course of being brought into operation. Then, should a county in which the Dunkin Act was in force in some of its municipalities, after a three years' trial of the new Act, chose to repeal it, the Dunkin Act which had remained in suspense during that time, would revive. The object of this Bill should be to get rid of the Dunkin Act as much as possible. Its adoption by a county would be the expression of the desire of the people to get rid of the Dunkin Act, and he could not see why it should be revived in one place, in the event of the repeal of this law, any more than it should in another.

Hon. Mr. VIDAL said the object was simply to secure to the municipality that desired to retain its prohibitory law, the right to have the prohibition under the Dunkin Act restored should the county

*Hon. Mr. Miller.*

see fit to repeal the new law, after having given it a three years trial. In the event of this Act being unsatisfactory in its operations they did not desire to be without a prohibitory law.

Hon. Mr. DICKEY said the hon. Secretary of State had paid the legal men in this House a high compliment when he stated that he had the utmost reliance upon their opinions, but his disregard of the very strong expression of opinion that had been almost unanimously made in favor of referring the Bill to the Supreme Court, was hardly consistent as he should, in deference to those views have referred the Bill to that high tribunal.

Hon. Mr. VIDAL said he wished to amend the clause so as to provide that where the Dunkin Act was now in force the people shall have power to repeal it under the machinery of the new law, and when it became repealed by the bringing into force of this Act, it should not be revived by the revocation of prohibition therein provided for. As the Bill now stood the people had not the power to repeal the Dunkin Act where it was in operation except by the machinery provided by that Act.

Hon. Mr. MILLER—You would repeal the Dunkin Act entirely?

Hon. Mr. VIDAL said he would do so wherever this new Act went into operation—that was, he would repeal all the clauses of the Dunkin Act that they had the constitutional power to deal with.

Hon. Mr. SCOTT said that was his intention in framing the Bill, but he had invited suggestions from the temperance people in drawing up its provisions, and he had embodied in it all that he could see his way clearly to adopt to meet the views of the parties who were interested in the measure. In this way the Bill had been recast three or four times, as he had had a "multitude of counsellors." It was only in deference to the expressed wish of temperance men that he should not take away from the minor municipalities the right that they now had, that he had acceded to what he considered was a very cumbersome condition. The hon. Senator's proposition would meet his views very much better than the provision in the Bill, if it was acceptable to others who were interested in the measure.

Hon. Mr. AIKINS suggested that the amendments should be printed before they were adopted, so that members could thoroughly understand them.

Hon. Mr. SCOTT said his experience had been that every day the Bill was postponed, new amendments would be proposed.

Hon. Mr. POWER enquired if this Bill would not conflict with the license law of Nova Scotia?

Hon. Mr. SCOTT—There is really no conflict whatever. Our law over-rides yours.

Hon. Mr. POWER said the sale of liquor in any county in Nova Scotia was regulated by the vote of the majority of the Quarter Sessions. If this Act came into force, it was doubtful whether that law would not still continue; they could not issue licenses, and it would be tantamount to prohibition.

After some discussion of a conversational character, the Committee postponed further debate on the clause until to-morrow.

On the 9th clause, "What to be set forth in the Proclamation,"

Hon. Mr. MILLER said, while the Secretary of State was making his explanations when introducing this Bill, he had asked him if it were possible, under this law, that elections in the various counties for the adoption of this law could be brought on at the same time as elections for the Local or Federal Parliaments, the hon. gentleman had replied that there was nothing in the law to prevent anything of the kind taking place, and he did not see any objection to it if it did.

Hon. Mr. SCOTT—The hon. gentleman entirely misapprehended me.

Hon. Mr. MILLER said there could be no better means devised to mix up this question of temperance with party strife than to allow the voting on it to take place at the same time as an election for a Local Legislature or the House of Commons. He would, therefore, move to amend the clause to provide that "No election under this Act, shall be held in any city, county, or district on the same day as that of any members of the Parliament of Canada, or of any of the Local Legislatures of the Dominion."

The amendment was agreed to.

*Hon. Mr. Aikins.*

On clause 17, "Form of Ballot Papers,"

Hon. Mr. TRUDEL suggested that the ballot papers should be numbered in order to prevent ballot stuffing and bribery.

Hon. Mr. SCOTT said he did not think there would be the same keen rivalry in an election under this Act as there was in political elections.

Hon. Mr. VIDAL said he thought the Licensed Victuallers had fought as keenly in elections under the Dunkin Act as they had at any other elections.

Hon. Mr. TRUDEL did not press his suggestion and the clause was agreed to without amendment.

On the 58th clause, "Petition adopted."

Hon. Mr. ALLAN said he proposed to move an amendment. If this Bill were likely to be confined in its operations, as in the case of the Dunkin Act, to small municipalities, then he should be content to have the principle of this clause adopted—the decision of the question by a bare majority of the votes polled—but when it was quite possible that the Act might, as it was intended by its promoters, go into effect in counties and cities, where very large interests were likely to be affected by the introduction of a measure of this kind, he thought it was only right that every consideration should be paid to the views of those whose business and property would be injured by it. He thought it was a safer principle and more just, that the Act should only be enforced by a majority of the whole number of electors qualified to vote for a member for the House of Commons. He moved an amendment to that effect.

Hon. Mr. CAMPBELL concurred in the views of his hon. friend (Mr. Allan) as he did not believe that a law so seriously affecting the liberty and property of a certain portion of the community, should be enforced by a bare majority of the votes polled. If there was any provision that the persons who would suffer materially in their pockets, by the operation of the law, were to be recompensed for their losses, there would be some show of reason in it, but where they were legislating out of existence, interests of such magnitude, there should be some compensation, or in the absence of compensation, the measure should only be adopted by a

well determined majority of the electoral vote. He did not think that the interests of the people should be sacrificed without due consideration, and at the very least, the decision should be either by a majority of the electoral vote, or a two-thirds majority of the votes polled.

Hon. Mr. AIKINS said he thought his hon. friend had never worked out the principle of this Bill. According to the hon. gentleman's suggestion all that was necessary to defeat the Bill was for one half of the electors who were opposed to the measure to remain at home, and not poll their votes, and, as a matter of course, a majority of the electoral vote could not be obtained. The principle of the Bill was the same as that adopted in municipal, Parliamentary, and other elections; it was not found to work injuriously to the public interest, and he could not see why it should not be incorporated in this Bill.

Hon. Mr. CAMPBELL said he did not think the case which his hon. friend had put was analagous. This was an extraordinary law, which would interfere very materially with private rights and private property. An analagous case would be that of an insurance company or a bank in which a measure affecting the property of the minority, as well as of the majority, required a two-thirds majority of the votes of the stockholders to carry it into effect.

Hon. Mr. DICKEY said he thought this amendment should be adopted because it would make the bill congruous; in one place, it required the majority of the whole electoral vote to carry one provision into operation, and in another place it required only a majority of the votes polled. He considered it would be a very great misfortune to undertake to put this law in force in any community where there was not a decided preponderance in favor of it—not a preponderance of the active, enthusiastic people who chose to go out and cast their votes and exercise themselves on this question, but a decided preponderance of the whole body of the electors. Surely this was a fair principle; but if his hon. friend would insist that the minority should control the majority, he would be taking away from this Bill the very soundest basis on which it could stand.

Hon. Mr. WARK said he feared that the "earnest enthusiastic" people to whom

*Hon. Mr. Campbell.*

the hon. gentleman had alluded would be found perhaps in opposition to the Bill, and of the quiet people who staid at home there would be as many in favor of the Bill as were against it, consequently a fair majority of those who voted should carry the election.

Hon. Mr. DEVER said it was the minority who carried the prohibitory law in New Brunswick, and the result to themselves was disastrous when an appeal was made to the people on it.

Hon. Mr. SCOTT said he thought all who were opposed to a Bill of this kind were pretty certain to record their votes against it. His own conclusion would be that those who did not vote were rather favorable, than adverse to the Bill. It would have to be borne in mind that legislation in reference to the liquor traffic had always been exceptional. For instance there might be twenty or thirty persons in a city who had invested a considerable sum of money in erecting and furnishing buildings to carry on saloons or hotels, yet the Corporation did not recognize their right to compensation for their investments when they reduced the number of licenses. Society had always found it necessary to surround itself with certain safeguards with reference to this traffic, therefore the legislation had always been exceptional. In Nova Scotia, for instance, it took a very considerable portion of the people to be in favor of granting a license in order to get one. They adopted the principle that the traffic in liquors was essentially wrong and it was only in deference to a large voice of the people that licenses were granted at all.

Hon. Mr. AIKINS asked if it would not be better to have no vote at all in adopting this law, but to have it adopted on a majority of the signatures of the electors, to the petition?

Hon. Mr. VIDAL objected to such a course being taken, as it would not be as satisfactory as a plebescite.

Hon. Mr. MILLER enquired, if the Secretary of State had accepted the amendment proposed by hon. Mr. Allan.

Hon. Mr. SCOTT said, it would not be fair that such a startling proposition should be incorporated in the bill without those who were interested in the measure being made aware of it.

Hon. Mr. MILLER suggested, that the clause be allowed to stand, and that the sense of the House be taken on the amendment at the third reading.

The 56th, 57th, and 58, sections were allowed to stand until to-morrow.

On the 77th clause "Treating electors forbidden."

Hon. Mr. CAMPBELL said, it was a most arbitrary and tyrannical provision to say that a man could not even treat his friend to a cup of coffee, or to a dinner, during an election of this kind.

Hon. Mr. MILLER said, it was presumed that the friends of the measure would not require anything "strong," but only its opponents.

Hon. Mr. CAMPBELL said, it was ridiculously tyrannical and such provisions as this would do much to make the measure unpopular.

At 6 p. m. the Committee rose and reported progress, and asked leave to sit again this evening.

#### AFTER RECESS.

### THE CANADA SOUTHERN RAILWAY BILL.

#### CONCURRENCE IN AMENDMENTS.

The House, according to Order, proceeded to the consideration of the amendments proposed by the Committee on Banking, Commerce and Railways, to the Bill intituled: "An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company."

Hon. Mr. CAMPBELL moved that the amendments be concurred in.

Hon. Mr. HOPE moved in amendment:

"That the Bill intituled: 'An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company,' as amended by the Select Committee on Banking, Commerce and Railways, be referred back to the said Select Committee with instructions to insert the following amendments in the said Bill, viz:

A. "No Bond, Coupon, Debenture or Mortgage, or other security which has been or shall be issued by the Company, shall by reason of any lien, charge, incumbrance or preferential claim on the revenue, assets or property of the Company, of any kind or nature whatsoever, be held or construed to prevent a judgment or

*Hon. Mr. Miller.*

decree against the property of the Company for a debt incurred for working expenses as hereinbefore defined, from being enforced by execution; Provided that no actual levy shall be made by virtue of such execution, without an order or certificate being made by a Judge of the Court in which such judgment or decree has been obtained, stating that in his opinion proceedings upon such execution shall not stop the traffic of the Company."

B. "The chief place of business of the Company with the General and Departmental Offices, Treasurer's Office, and principal workshops of the said Company, shall be, and continue to be, in the Town of St Thomas, in the County of Elgin, and Province of Ontario."

Hon. Mr. MILLER raised a point of order. This was a special motion that required twenty-four hours' notice.

Mr. SPEAKER ruled the amendment out of order.

Hon. Mr. HOPE gave notice that he would move his amendment on the third reading.

The amendments were then concurred in, and the third reading of the Bill was ordered for to-morrow.

### SYDENHAM HARBOR COMPANY'S BILL.

#### SECOND READING.

Hon. Mr. SIMPSON moved the second reading of Bill (31) "An Act to amend the Act incorporating the Sydenham Harbor Company." He said the Sydenham Harbor Company, now known as the Oshawa Harbor Company, was chartered thirty years ago. They now desired to extend the harbor by issuing new stock. At one time they had asked power to enable the Harbor Company to build a tramway from the harbor to the village of Oshawa. The Bill was in charge of hon. Mr. Gibbs, but when it went before the committee a number of gentlemen from Oshawa thought that the building of the tramway was not within their power, and the clause had been stricken out. The Company now asked for power to change their name from the Sydenham Harbor Company to "The Oshawa Harbor Company" in consequence of their being another Sydenham harbor on the Lake. The other clause was to give them power to issue \$30,000 new stock, on the approval of two-thirds of the stockholders.

The Bill was read the second time.

## THE MARITIME COURT IN ONTARIO.

### SECOND READING.

Hon. Mr. PELLETIER moved the second reading of Bill (55) "An Act respecting the Maritime Court, of Ontario." He said,—This Bill is to give the Maritime Court of Ontario certain powers which seem to be not clearly given by the Act of last year, organizing that Court. It provides that in all cases where any moneys are payable to any person, the Maritime Court shall have the same powers as the Court of Chancery, in Ontario, has to order and decree, the same powers of enforcing its decrees. Persons to whom any moneys shall be payable by order or decree of the Maritime Court, shall have all remedies possessed by them under a decree of the said Court of Chancery. The second clause provides that any new writ or other process necessary for giving effect to the provisions of this Act, may be issued in the form directed by the Judge of the said Court. The third clause gives to the Marshall or the Deputy-Marshall of the said Court, as to the execution of any such writ, similar powers to those possessed by the Sheriffs of Ontario, as to the execution of similar writs issued from the Court of Chancery.

The Bill was read the second time.

## HER MAJESTY'S MAILS IN CAPE BRETON.

### RETURNS COMMUNICATED TO THE HOUSE OF COMMONS.

Hon. Mr. SCOTT moved, seconded by Hon. Mr. Pelletier,

To resolve, that the return made to this House on the eighth day of March, 1877 to an address of this House to His Excellency, the Governor General, dated the fifteenth day of February, 1877; "in relation to the return to cause to be laid before this House—

"1st.—Copies of all contracts entered into during the year 1876, for the conveyance of Her Majesty's Mails from Sydney to Cow Bay, Little and Big Grace Bays, and Bridgeport, in the County of Cape Breton."

"2nd.—Also, copies of notices for tenders and the titles of the newspapers wherein they were inserted, with all copies of other documents, correspondence, &c., in reference to such contracts."

"Also, copies of all other contracts entered  
Hon. Mr. Pelletier.

"into in the years 1874, 1875, and 1876, in the said County of Cape Breton, with vouchers for payments for said services for transmission of Mails," be communicated to the House of Commons, and that the same may be returned to this House.

Motion agreed to.

## THE LIQUOR TRAFFIC REGULATION BILL.

### HOUSE AGAIN IN COMMITTEE.

The House, according to Order, was adjourned during pleasure, and again put into a Committee of the Whole on the Bill intitled: "An Act respecting the traffic in intoxicating liquors."

Consideration of the 77th clause was resumed.

Hon. Mr. SCOTT said this clause was precisely the same as it was in the general election law. He admitted that it did strike at the basis of hospitality, but it was a necessary provision to prevent electors from being unduly influenced.

The clause was agreed to.

On the 79th clause, "Ribbons, &c., not to be furnished or worn,"

Hon. Mr. VIDAL asked that this clause be struck out, as temperance men had adopted a red or blue ribbon as a badge, which they wore at all times, and many of them had become very much attached to it.

After some discussion of a conversational character, the clause was struck out.

On the 93rd clause, "If petition adopted, the second part of this Act may be brought into force by Order-in-Council,"

Hon. Mr. ALLAN said he understood the hon. Secretary of State to say that he would make it certain that the time that would elapse before the law should come into force after the vote had been declared should be five months.

Hon. Mr. SCOTT said he had no objection to have it stated that the proclamation shall fix a day which shall not be less than five months from the day of polling.

Hon. Mr. CAMPBELL considered five months, even, too short a time for people whose business was to be affected by this law to make preparation for it and to settle up their affairs. He suggested to amend

the clause so as to extend the time to six months.

Hon. Mr. VIDAL said if this was the first time that legislation of this kind had been submitted to the House, he could understand the objection that was raised by his hon. friend, but the Dunkin Act had the same provision as this Bill, and the people had not complained of it as being unjust or harsh. Surely, if any persons had found their interests jeopardized, they would have entered an objection to it. He was perfectly willing, however, to make the time six months, but he thought the 93 Section was the proper place for it to come in.

Hon. Mr. SCOTT said the proposed amendment would give eight months before the Act could be brought into operation after the polling, as there would always be a certain amount of delay.

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

On the 94th clause, "No such Order-in-Council to be revoked for three years, and then only on similar petition, notice, and other proceedings,"

Hon. Mr. SCOTT accepted Mr. Vidal's amendment, to provide that in any county or city where the petition for the Act has been negatived, there can be no further appeal for three years.

Hon. Mr. VIDAL moved another amendment to the clause, to provide that where the Dunkin Act was now in force, and the electors desired to repeal it, it should be done under the provisions of this law.

Hon. Mr. SCOTT—Is this the desire of the Alliance?

Hon. Mr. VIDAL.—It is.

Hon. Mr. SCOTT—I have myself endeavored as much as possible to keep clear of the Dunkin Act, as I do not feel at all sure that we are not intruding upon very dangerous ground.

The further consideration of this clause was postponed until to-morrow.

On clause 95, "No liquor to be sold, &c., when and where this part of this Act is in force, except for certain purposes,"

Hon. Mr. HAYTHORNE said he thought the wisdom of this House might suggest more appropriate words in the 3rd sub-section than "the sale of intoxi-

*Hon. Mr. Campbell.*

ating liquors for exclusively sacramental purposes." It was, to say the least, of it, irreverent.

The words were changed to "the sale of wine for exclusively sacramental purposes."

Mr. Speaker CHRISTIE called attention to the fact, that under the provisions of the 4th sub-section, manufacturers of pure native wines would not be able to sell the products of their vineries, and he thought they should be allowed the same privilege to sell, as brewers and distillers. He knew a firm in Cooksville, Ontario, who had a large amount of capital invested in a vinery, and the manufacture of native wine, and if this law went into operation, it would stop them from selling, and close up the establishment.

Hon. Mr. MILLER considered manufacturers of cider were as much entitled to consideration as the manufacturers of native wines.

Hon. Mr. AIKINS also considered that cider should be excluded from the operation of this law.

Hon. Mr. SCOTT said if they were excluded, he could not see how they could exclude lager beer from the operation of the Act. He was opposed to making any exception in favor of any liquor, because if wine, lager beer, or cider were excluded, they would only afford a cover for the use of stronger liquors. It was also a well-known fact that at the Cooksville establishment, there was four times as much brandy manufactured as wine. He believed they were licensed distillers, and were allowed by Statute to manufacture 80,000 gallons of brandy.

Hon. Mr. CAMPBELL said if they were licensed distillers they should come into the same category as other distillers and brewers. Why should not farmers who manufactured wine and cider from the produce of their vines and orchards be allowed to sell it? Some provision should be made for them as for distillers and brewers.

Hon. Mr. KAULBACH said that in Nova Scotia the temperance organizations allow the use of cider as a harmless beverage.

Hon. Mr. DEVER said they should

limit the quantity of alcohol both in wine and cider.

Hon. Mr. CAMPBELL suggested the safest way would be to pass over this part of the Bill until a proper clause could be drafted to exclude native wines and cider.

Hon. Mr. ALLAN said ginger wine was a drink that was accepted by temperance people, though there was more alcohol in it than in cider.

Hon. Mr. VIDAL suggested that they should except the liquors named below a certain standard of percentage of alcohol.

Hon. Mr. MILLER—How are you going to get them tested?

Hon. Mr. HAYTHORNE said some of the best ciders were those that contained the maximum amount of alcohol, and they might be excluded under the hon. gentleman's proposition.

The further consideration of this clause was postponed until to-morrow.

On the 98th clause: "Excise officer bound to prosecute,"

Hon. Mr. MILLER said he could not see why the prosecutions in those cases should fall upon the Government. He thought there were persons among the temperance societies who were sufficiently interested in the carrying out of the law to prosecute, without the Government doing it. The country might be involved in serious expense for law suits if it were compulsory on the revenue officer to prosecute on the information of parties who would not think of entering suits if they had to bear the costs themselves.

Hon. Mr. SCOTT said it was the same as in the Dunkin Act.

Hon. Mr. VIDAL said the temperance men attached great importance to the necessity of having a public officer appointed to prosecute offenders against the law. Without it the Act would be comparatively useless, as people did not like to be called informers; but if it was the duty of a public officer to prosecute, no one could blame him for performing his duty.

The clause was agreed to without amendment.

On the 99th clause. "Before whom such prosecutions may be brought."

Hon. Mr. VIDAL said, he did not believe in giving the Mayor of any municipality jurisdiction in cases under this

*Hon. Mr. Dever.*

Act, as Mayors had to depend on the popular voice for their office, and the performance of their duty in prosecutions brought before them under this law might injure them with their constituents.

Hon. Mr. SCOTT said, the parties prosecuting had their choice of any other Magistrate in the district.

Hon. Mr. CAMPBELL said, it was not right to assume that a Mayor would not do his duty if he were not a member of a Total Abstinence Society. It seemed to him that these things were being pushed beyond all reason.

Hon. Mr. HOPE said, as a rule, Mayors were men of good standing and responsibility.

The clause was agreed to without amendment.

On the 105th clause: "Convicting Magistrate &c. may order that liquor seized on a search warrant be destroyed."

Hon. Mr. CAMPBELL asked, if this was to apply to a man who had for instance \$10,000 or \$15,000 worth of liquor on hand, and had, perhaps unwittingly, infringed upon the provisions of the act. Was all this amount of liquor to be spilled or destroyed?

Hon. Mr. SCOTT said, the law had to be made very stringent in order to have it carried out. No respectable dealer would expose himself to such a loss.

Hon. Mr. MILLER said, a magistrate who might have a strong personal feeling, could upon the information of some person of perhaps not very good character, destroy a man's property, under the provisions of this clause.

Hon. Mr. HAVILAND—And there would be no appeal from it.

Hon. Mr. VIDAL said, he was informed that this clause in the Nova Scotia Act worked very well.

Hon. Mr. SCOTT said he had felt, himself, in dividing the clause that it was open to that objection.

The further consideration of this clause was postponed until to-morrow.

On the 106th clause:—"Certiorari and appeal taken away in certain cases."

Hon. Mr. MILLER said surely they

were not going to make the decisions of such tribunals final in reference to questions involving the rights and liberties of the subject. He thought that clause would not be permitted to stand.

Hon. Mr. SCOTT—I have excluded the judgments of Magistrates and applied it simply to those who are recognized judges.

The further consideration of this clause was postponed until to-morrow.

The Committee rose and reported progress, and asked leave to sit again to-morrow.

The House adjourned at 10.45 p.m.

### THE SENATE.

Thursday, April 4th, 1878.

The SPEAKER took the chair at 3 o'clock. p. m.

After Routine proceedings.

### THE NATIONAL INSURANCE COMPANY'S BILL.

#### THIRD READING.

Bill (8) "An Act to authorize the National Insurance Company to reduce its capital stock, and for other purposes," was read the third time and passed without debate.

### DOMINION COMPANY'S BILL.

#### PREAMBLE REPORTED NOT PROVEN.

Hon. Mr. HAMILTON (Kingston), from the Committee on Banking, Commerce and Railways, to whom was referred the Bill intituled: "An Act to incorporate The Dominion Company," reported that the preamble of the said Bill had not been proved to their satisfaction.

On motion of Hon. Mr. CAMPBELL, seconded by the Hon. Mr. DICKSON, it was ordered that the fee paid on the Bill intituled: "An Act to incorporate The Dominion Company," be refunded to the promoters of the said Bill, provided that all expenses are paid.

Hon. Mr. Miller.

## THE LIQUOR TRAFFIC REGULATION BILL.

### HOUSE AGAIN IN COMMITTEE.

The House, according to Order, was again put into a Committee of the Whole on the Bill: "An Act respecting the "Tariff in Intoxicating Liquors,"

Hon. Mr. PENNY in the chair.

On the 3rd clause: "Repeal of Act of the Province of Canada, 27 & 28 Vic. c. 18,"

Hon. Mr. SCOTT said, with regard to the suspension of the Dunkin Act in the minor municipalities, he was not in favor of it, but he had inserted it at the request of persons who thought their interests would be jeopardized. So far as that was concerned, he could see no difficulty in coinciding with the views of hon. gentlemen. The proposition of the hon. gentleman from Sarnia also met with his approval, if it would not conflict with the prerogative of; the House that was, the adoption of this law in any country would *ipso facto* repeal the Dunkin Act in that locality. This law embraced the other, and would practically override it, so that the question came up when this law itself was repealed, whether it would have repealed the Dunkin Act so effectually that it would not revive. The amendment which he proposed to this clause was that sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of The Temperance Act of 1868, should be repealed.

The clause as amended was agreed to.

On the 56th clause: "Petition adopted,"

Hon. Mr. ALLAN pressed his objection to the petition being adopted on a bare majority of votes polled. He still believed that the majority in favor of the petition should be a majority of the electoral vote, and he preferred the amendment in that shape. At the same time if those who, like his hon. friend from Sarnia, had taken a deep interest in this question, were very strongly of opinion that it would throw such difficulties in the way of the working of the Bill as to render it practically useless, he would not press for a majority of the electoral vote, as he did not wish to do anything that would render the Bill inoperative;

he would therefore accept instead a two-thirds majority of the votes polled, to carry the measure.

Hon. Mr. SCOTT regretted that the hon. gentleman should persevere in his opposition to this clause, as the amendment, if adopted, would render the Bill inoperative.

Hon. Mr. VIDAL said the hon. gentleman was throwing an obstacle in the way of the Bill, that the adoption of his suggestion would render all its provisions futile. He ventured to say, in the name and by the authority of those with whom he had taken counsel, that if that clause of the Bill were changed, the temperance people did not want the measure at all, but would prefer to have the Dunkin Act.

Hon. Mr. READ thought the wisest course would be to allow the clause to stand as it was.

Hon. Mr. ALLAN said he was still unconvinced that his amendment was not the most proper and the most constitutional way to arrive at the will of the people, but he did not desire to do anything that would render the Bill inoperative or useless, therefore he would, with the consent of the House, withdraw it.

The clause was then agreed to without amendment.

On the 95th clause, sub-section 4, "Proviso: distiller or brewer may sell liquor of his own manufacture in wholesale quantities, and to certain persons only."

Hon. Mr. CHRISTIE moved, seconded by Hon. Mr. Vidal, to amend the clause by adding the following words:—

"Provided also that manufacturers of pure native wines from grapes grown and produced by them in the Dominion of Canada may, when authorized to do so by license from the municipal council or other authority having jurisdiction where such manufacture is carried on, sell such wines at the place of manufacture in quantities of not less than ten gallons at one time, except when sold for sacramental or medicinal purposes, when any number of gallons from one to ten may be sold."

Hon. Mr. SCOTT said he would not object to the proposition if the sale of native wines could be confined to sacramental and medicinal purposes, and even then he would only accept the amendment with very great reluctance.

Hon. Mr. FERRIER said it was idle  
*Hon. Mr. Allan.*

to talk of pure native wine, as there was no such thing. Unless it was made from the grapes and used at once it would not keep without a certain amount of alcohol in it.

Hon. Mr. CHRISTIE said he had no objection to confining his amendment to the wine grown by the manufacturer, but if this Bill should go into operation without the amendment it would be impossible for the manufacturers of such wines to sell at all. The Advisory Board of the Dominion Temperance Alliance had agreed to accept an amendment of this character.

Hon. Mr. READ said there was no doubt of the beneficial effect of pure native wine on invalids in certain cases. It had been used in his own family to some advantage, and he thought it would be unwise to prevent its being manufactured and sold.

Hon. Mr. DEVER objected to favor being shown to the wine of Ontario while the merchants of the Lower Provinces would be excluded from importing wine and selling it.

Hon. Mr. CAMPBELL said the hon. gentleman was mistaken, because foreign wines could be sold for use out of the county where this law would be in operation, but unless native wines were given the same privilege they could not be sold at all, as there was no provision made for them in the Bill.

Hon. Mr. SCOTT said this Bill had reference only to traffic; individuals could make their own wine and cider as usual. He would, however, have this clause recast to correspond with the amendment proposed by Hon. Mr. Christie and the hon. gentleman from Sarnia, limiting it to the producer of the grape, and placing him, if there would be any competition with others, under the ten gallon clause. Provision would also have to be made for the Cooksville establishment which was authorized by Statute to manufacture a certain amount of brandy.

Hon. Mr. MILLER objected to any such invidious legislation. He could not see why there should be special legislation for one locality, or one particular branch of trade, that would not be extended to others.

The further discussion of this clause was postponed until to-morrow.

Hon. Mr. CAMPBELL called attention to the fact that the 105 clause, which provides for the destruction of liquor seized, did not limit the quantity to be destroyed.

After discussion.

Hon. Mr. SCOTT amended the clause to limit the quantity to ten gallons.

The clause as amended was adopted.

Hon. Mr. VIDAL moved that the following clause be added to the Bill :

On page 21, between lines 50 and 51, insert :

"It shall be lawful for any constable without process at law, to arrest any person whom he may find in a state of intoxication, in any county or city in which the second part of this act is in force, and to convey him to any common gaol, house of correction, lock-up or other place of confinement, there to be kept until he shall have become sober; and such person shall, when sober, be brought before any Judge, Stipendiary Magistrate, or Justice of the Peace, and if convicted of being so found in a state of intoxication, shall be liable to imprisonment in any common gaol, house of correction, lock-up or other place of confinement, for any period not exceeding one month; and if any person having been so convicted as aforesaid, shall refuse upon examination, to give information of the person, place, and time, from whom, where and when he obtained intoxicating liquor, he shall be liable to imprisonment as aforesaid, for a further period not exceeding fourteen days."

In reply to remarks made yesterday on this subject he considered that it was only an act of kindness to confine a drunken man until he became sober, and then, when sober, he should be made to disclose where he got the liquor.

Hon. Mr. MACFARLANE—Suppose he refuses to do so?

Hon. Mr. VIDAL—Imprison him for fourteen days. I have taken this clause almost word for word from the Dominion Act for protection of Indians.

Hon. Mr. MACFARLANE—What does the hon. gentleman consider a "state of intoxication?"

Hon. Mr. VIDAL—The whole thing depends upon the man being convicted of being in a state of intoxication. It is only in that case he can be asked where he got the liquor.

Hon. Mr. ALLAN contended there was no analogy between this clause and the one relating to the sale of liquor to Indians, who are looked upon as children, and are protected from unscrupulous traders. A white man who gets drunk

*Hon. Mr. Campbell.*

does so with his eyes open, and is punished, but there would be something unmanly in attempting to force him to tell where he got the liquor.

Hon. Mr. HAYTHORNE advised the hon. Senator to withdraw the amendment. The law would be unpopular enough with a great many people, but, with this clause added, it would be simply odious.

Hon. Mr. VIDAL said it could not be odious because it could only be enforced by a popular vote.

Hon. Mr. AIKINS thought the vendor and the purchaser would equally violate the law, and would deserve equal punishment. The person who would infringe the provisions of this Act by selling the liquor could not be a very reputable citizen, and there would be nothing odious in punishing him.

Hon. Mr. ALLAN said the informer was always looked upon as an odious character under any circumstances. The addition of this clause to the Bill would make it very unpopular.

Hon. Mr. HAVILAND was ready to do anything he could to check intemperance, but he could never support such a tyrannical clause as this. He was opposed even to the provision which empowered a constable to arrest anyone he suspected of being under the influence of liquor. Many cases had occurred where people seized with dizziness on the street, had been arrested and confined in the cells, and, in some instances, they had died there before morning.

Hon. Mr. SCOTT said constables already possessed the power of arresting intoxicated persons.

Hon. Mr. BELLEROSE saw nothing extraordinary in the suggestion to lock up a drunken man. It was a matter of every day occurrence.

Hon. Mr. CAMPBELL did not object to that part of the clause, but he protested against the portion which compelled a man to declare where he got the liquor. To drag a man into court because liquor was obtained from him was exceedingly objectionable.

Hon. Mr. BELLEROSE said he understood such a provision was in force in the Quebec License Law.

Hon. Mr. AIKINS—It is quite right.

Hon. Mr. BELLEROSE—If you want to make this law effective, you must do all you can to reach the worst offender—that is, the man who sells the liquor.

Hon. Mr. CAMPBELL—Suppose a man gets liquor at a friend's house, would you drag him before the public when there may have been no intention to give too much liquor? The man may have got drunk without taking a large quantity, yet you compel him to give the name of the one who supplied it, and drag his name before the public though he may, of all things, abhor such publicity. I believe a man found intoxicated should be kept until sober, but should not be compelled to give the name of the person who furnished him the liquor.

Hon. Mr. POWER thought there was already sufficient provision in the law for the arrest of intoxicated persons, therefore that part of the clause was unnecessary. The second part appeared to him very tyrannical. It was rather late in the nineteenth century to give such inquisitorial powers to anyone.

Hon. Mr. MILLER concurred in this view of the clause. He hoped it would be withdrawn.

Hon. Mr. SCOTT suggested, there should be an option of paying a fine of say \$10, or imprisonment for 24 hours in case of a refusal to disclose the name of the person who sold the liquor.

Hon. Mr. VIDAL—I am quite willing to accept that.

Hon. Mr. CAMPBELL—That meets part of the objection, but not the whole of it.

After some further discussion the clause was withdrawn to be modified.

On the 107th clause, which was as follows:—

“No conviction, judgment or order, in any such case, be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; nor shall any appeal whatsoever be allowed from any such conviction, judgment or order to any Court of General Quarter Sessions, or other Court whatever when the conviction has been made by a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff or Police Magistrate.”

Hon. Mr. CAMPBELL said the very reasons which had been given for enforcing this clause were, to his mind, the best

Hon. Mr. Bellerose.

reasons for excluding it from the Bill. If there were doubts as to the constitutionality of the law, that was the very best reason why appeal should be allowed. He could not see why an offender against this law should be placed in a different position from offenders against other laws.

Hon. Mr. MILLER suggested that the right of appeal might be taken away but not of *certiorari*. That was one of the great rights of the subject which could not be taken away except by express provision of Statute. He would not at all object to obstacles being thrown in the way of frivolous appeals from the decisions of magistrates and officers of that sort, but he had strong objections to taking away the other and more cumbrous right of removal by *certiorari* to the Superior Courts. It was an expensive proceeding, and was not likely to be resorted to, unless there were good ground for it.

Hon. Mr. SCOTT—That clause is exactly the same as the Dunkin Act.

Hon. Mr. MILLER said the trouble with this legislation was, no matter how extreme it might be, the more did the enthusiasts of the temperance cause stick to it. They thus deprived themselves of the assistance of those who would be willing to go a fair length in promoting the good object they had in view.

Hon. Mr. SCOTT said, even with this provision, the Dunkin Act could not be enforced in some counties, and that was why more stringent regulations had to be adopted. In some cases brought under his notice, judges who were opposed to the Dunkin Act had refused to hear appeals. There were two or three counties where the law could not be enforced, simply because there was a sentimental opposition to this class of legislation. He admitted that the law was exceedingly harsh and tyrannical, but exceptional legislation was necessary in this case.

Hon. Mr. CAMPBELL—Does the hon. gentleman say there are cases where judges refused to hear cases?

Hon. Mr. SCOTT—There are two cases.

Hon. Mr. VIDAL thought the facts that this provision had been in force for 24 years, and not complained of as oppressive, and that the law would only

come into force by the electors so deciding, ought to be sufficient to commend it to the approval of the House. In behalf of the temperance workers, he could not consent to have that clause modified or taken away.

Hon. Mr. MACFARLANE considered the clause was tyrannical.

Hon. Mr. MILLER moved to amend the clause, so as to take away the right of appeal, but to allow the writ of *certiorari* in all cases.

Hon. Mr. DICKEY—I hope the hon. Secretary of State will accept that amendment.

Hon. Mr. SCOTT—I feel that would destroy the Bill.

Hon. Mr. DICKEY—Will the hon. gentleman tell us why he has brought the charge against the judges?

Hon. Mr. SCOTT—I stated there were two cases, where county court judges in Ontario had deliberately put themselves up to defeat the Dunkin Act. I will give the names to my hon. friend privately, if he wishes.

Hon. Mr. DICKEY said the trouble was, the Dunkin Act was so strict and stringent, it was difficult to get it executed, and that would be the trouble with this measure. He hoped the last refuge of a man who desired to get justice, would not be taken away from him.

Hon. Mr. BELLEROSE thought the hon. Secretary of State was right in opposing the amendment. It would prevent the law from being effective. It was well known that statutory enactments could not prevent the granting of a writ of *certiorari*, when a case of injustice or partiality was shown to have occurred.

After some further discussion, the Committee divided on the amendment, which was rejected by contents 18, non-contents 23.

The clause was then adopted.

Hon. Mr. SCOTT informed the House that he had been requested by the Premier of Ontario (Mr. Mowat) to add some clauses to the Bill to meet infractions of the License Law lately passed by the Ontario Legislature, as well as of this Act.

Hon. Mr. MILLER—Does the hon. gentleman say the object is to legalize some legislation of the Local Legislature?

Hon. Mr. Vidal.

Hon. Mr. SCOTT—Not to legalize it.

Hon. Mr. MILLER—To confirm legislation of the Ontario Parliament which has been found to be *ultra vires*?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MILLER said that was something new. It was the first legislation of the kind since Confederation, and the House would have to consider how far it would be wise to establish such a precedent. It would tend to introduce into the legislation of this country a condition of confusion and contradiction which might be very serious indeed.

The schedules and preamble of the Bill were adopted.

The Committee rose and reported the Bill with amendments.

## CANADA SOUTHERN RAILWAY COMPANY'S BILL.

### THIRD READING.

Hon. Mr. DICKSON moved that the Bill intituled "An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company," be read the third time.

Hon. Mr. HOPE moved in amendment that all the words in the said motion after "be" be left out, and the following inserted in lieu thereof "referred back to the Committee on Banking, Commerce and Railways, with instructions to insert the following in the said Bill, viz :

A. "No Bond, Coupon, Debenture or Mortgage or other security which has been or shall be issued by the Company, shall by reason of any lien, charge, incumbrance or preferential claim on the revenue, assets or property of the Company of any kind or nature whatsoever, be held or construed to prevent a judgment or decree against the property of the Company for a debt incurred for working expenses as hereinafter defined from being enforced by execution; provided that no actual levy shall be made by virtue of such execution, without an order or certificate being made by a Judge of the Court in which such judgment or decree has been obtained, stating that in his opinion proceedings upon such execution shall not stop the traffic of the Company."

B. "The chief place of business of the Company with the General and Departmental Offices, Treasurer's Office and principal work shops of the said Company, shall be, and continue to be, in the Town of St. Thomas, in the County Elgin, and Province of Ontario."

• He said the object of the first amend-

ment was to protect small creditors who practically would have no redress unless this provision were made. The Bill had been amended in committee to except fuel and supplies from the operation of the mortgage issued by the Company, but something more was wanted which he believed, was covered effectually by this amendment. It had met with the approval of one of the most experienced railway lawyers in Ontario, and received a large support in another place. The next amendment was to provide against the removal of the company's offices, &c., from the town of St. Thomas. The county of Elgin extends some 60 miles along Lake Erie, and when the council of that important municipality by a vote of 17 against 7, in a full meeting of the reeves of the county, passed a resolution in favor of keeping the offices at St. Thomas, it would be seen it was no mere local feeling that influenced them. He would read the resolution, which, he might add, had been concurred in by the Municipal Corporation of St. Thomas:—

“That whereas the Canada Southern Railway Company have given notice of their intention to apply to the Dominion Parliament to re-arrange the bonded debt of the said Company.

And whereas it has been stated by the President of the Canada Southern Railway Company that it is their intention to remove their offices, together with the books of the said Company, out of Canada;

And whereas such removal of said offices from the Town of St. Thomas, where they are at present located, would be a direct violation of the pledges made by said Company to the County Council of this County, at the time of granting the bonuses to the said Railway Company, to a point outside of the jurisdiction of our Government and Courts of Justice, and at the same time be subversive of the interests of the Canadian creditors of the said Company;

And whereas great inconvenience and loss is caused to parties furnishing supplies to said railway, owing to mens' wages and other supplies used in running said railway, not being a first lien on this property;

Be it resolved, That this Council consider it their duty to call upon the representatives of the County and the members of the House of Commons generally, to withhold their support from the Bill sought for by the Canada Southern Railway Company, unless a clause is therein inserted, or another Bill passed, providing for the non-removal of the said headquarters, offices, workshops, and books, from the Town of St. Thomas, and making the supplies, mens' wages and other running expenses, a first lien on the property of the said Company;

And be it further resolved, That the War-

*Hon. Mr. Hope.*

den and County Clerk be instructed to sign a petition to the Dominion Parliament, in the terms of the above resolution.”

On this resolution a long discussion took place. There was a party at the meeting who seemed to represent the Canada Southern Railway Company; at least, he spoke with apparent authority. In his speech he remarked: “Promises of railway promoters are usually ‘high colored.’” A gentleman put the question to him, “Were these promises not distinctly made to us?” to which he replied, “I don't deny it.” That established the fact that promises had been made that the head offices of the company would be placed and kept in St. Thomas. The two municipalities of Elgin and St. Thomas had voted \$225,000 as a bonus to the railway, and the interest upon it would bring it up to \$350,360 by the time it was all paid. The capital of the company was stated to be \$15,000,000. He observed there were three men at a meeting of the company in St. Thomas who claimed to represent 108,132 shares, or \$10,813,200. On investigation he found they had paid nothing on their shares except some \$200,000 they had paid in for the purpose of organizing the company and getting their charter, and no doubt they recouped themselves by the sale of bonds. To talk about shareholders in connection with this company was an absurdity. The only *bona fide* shareholders he knew of were the municipalities which had voted bonuses to build the road.

It being six o'clock, the Speaker left the chair.

AFTER RECESS.

Hon. Mr. HOPE resumed his speech. He reverted to the first amendment, and said the bonds of the company were guaranteed by the New York Central and Hudson River Railway Company, one of the soundest on the continent, and this legislation would not have the slightest effect on the value of existing bonds, and could only affect bonds issued in the future. He called attention to the fact that this Bill proposed to mortgage a Canadian corporation for the purpose of aiding and assisting property in a foreign country. The Canada Southern Railway had been built for Canadian purposes, and was a Canadian rail-

way. If the Bill provided that a majority of the directors should take up their residence in Canada, seeing they wished to control a great Canadian enterprise, it would not be unreasonable. The Bill had been amended in the other House so as to provide that the offices should be retained in Canada. This was an improvement, but it was not sufficient. They should be compelled to retain their offices where they were, in St. Thomas. He had a letter from a professional gentleman in St. Thomas, who had drawn up the by-law under which the \$200,000 was submitted to the vote of the ratepayers. It contained the following :—

*Re Can. Su. Bill.*

“The Paymaster informs me that offices are fitted up in Buffalo, ready for them (the C.S.R. officers), and that, apparently, they are to go very soon.

“The impression prevails here that Mr. Tilting has decided on carrying out his intention of removing the Treasurer's Accounting Department to Buffalo, in spite of any Legislation or opposition, or to evade the Act by keeping nominal headquarters here, or at Fort Erie, while the offices will actually be at Buffalo. Of course we want them retained here, but if this cannot be carried, we want the language of the clause prohibiting removal from Canada so clear, full, comprehensive, and explicit, that evasion would be impossible; and, then I think the N. Y. Central would not, out of mere petty spite or revenge, erect and maintain offices at Fort Erie, or elsewhere. We claim that it would only be keeping faith with us to keep them here.”

He thought there was a good deal of force in this. There had been an agreement with the Town of St. Thomas, about the erection of workshops, but nothing had been said in that agreement about the offices. The Company, therefore, claimed the right to remove them to Buffalo; but the Legislature, as far as the Bill had gone, had decided the offices should be kept in Canada. If they were kept in St. Thomas they would be under the surveillance of two powerful corporations—the County of Elgin and the Town of St. Thomas—and they would keep the Company up to the mark. The promoters of this Bill were perhaps the most gigantic railway monopoly in America, before whom the people of the United States stood aghast. With one powerful hand they held the motley crew of Wall Street, and with the other the Legislature of New York. Why not insist upon them keep-

*Hon. Mr. Hope.*

ing their promise to the municipalities which voted the bonuses to build the road? No injury could arise to anyone by compelling them to leave the offices where they had been so many years. Hon. gentlemen would remember the history of the lobster cans—how our neighbors, when it had been stipulated in the Washington Treaty that lobsters should be admitted into the United States duty free, taxed the cans. In dealing with such sharp people, it was just as well to be on the safe side. The language of the Bill should be so clear that there could be no misunderstanding it.

Hon. Mr. DICKSON said this Bill had been introduced in the other House by the hon. member for Welland, at whose request he (Mr. Dickson) had taken charge of it in this House. He had met with some difficulty on the second reading, but managed to get it to the Committee on Banking, Commerce and Railways. The Bill had passed through the other Chamber, and, though he did not hold that as any reason why it should pass this House, he called attention to the fact to show that its various parts had been carefully investigated. It had been referred to the Committee on Railways, Canals, and Telegraphs, where, after discussion, it was referred to a sub-committee of five, who investigated it for five or six days. After every opposition had been given to the measure it was reported back to the committee, and by them reported to the House. It was then argued again, but it was finally passed, the Government giving their weight in its favor. It was then sent to the Senate, and referred to the Committee on Banking, Commerce, and Railways. It was there thoroughly discussed. The amendments now proposed were submitted there, and, after due consideration, rejected. When the Bill was reported back to the House the hon. Senator again pressed the amendments which had been rejected in Committee and defeated in the House of Commons. He hoped they would be rejected in the Senate also.

Hon. Mr. POWER said that the opposition which this Bill had met with so far from showing that the hon. gentleman from Hamilton was unreasonable in moving to amend it at this stage, was very

strong evidence in favor of the course which that hon. gentleman had adopted. In the other Chamber sixty votes had been recorded in favor of one of those amendments. That was a respectable minority in a House of two hundred members, and the amendments could not be of that unreasonable character which the hon. gentleman from Niagara represented. If he (Mr. Power) had his option, he would not vote for the first amendment of the hon. Senator from Hamilton, because he thought that its object had been attained by an amendment made in the Committee of this House on Banking, Commerce, and Railways. He looked upon the second amendment as a very proper one, and, as the two amendments could be separated at a future time, if the motion were carried, he had taken the liberty to second it. The corporation of the Canada Southern Railway though originally Canadian, was now American; and though he was not a protectionist, he did believe in protecting, to a certain extent the interests of Canada when they came in collision with either persons or countries outside of Canada. It had been said that this railway had built up the town of St. Thomas. Instead of that being a reason why the company should not be compelled to keep its head quarters there, it was a reason why they should not be allowed to remove them, because their removal would inflict a heavy loss upon the town. It was contended that the company had no intention of removing them; if so then there could be no objections to the adoption of this amendment; but if, on the contrary, the intention was to remove the head quarters from Canada, it was the duty of Parliament to prevent them, and to protect the interest of the people of Southern Ontario.

Hon. Mr. BELLEROSE—Has the hon. gentleman any objection to adopting the second amendment?

Hon. Mr. DICKSON—I am not in a position to consent to any change.

Hon. Mr. BELLEROSE—There is something in the objection of the hon. gentleman who has just spoken.

Hon. Mr. DICKSON said, the amendments made to the Bill in committee and which the House had approved of met the case.

Hon. Mr. Power.

The House divided on the motion which was rejected by the following vote:—

CONTENTS :

Hon. Messrs.

Bureau,	McClelan, ( <i>Hopewell</i> ),
Chaffers,	McMaster,
Christie ( <i>Speaker</i> ),	Power,
Cornier,	Stevens,
Haythorne,	Trudel,
Hope,	Wark.—12

NON CONTENTS :

Hon. Messrs.

Aikins,	Hamilton ( <i>Kingston</i> ),
Allan,	Haviland,
Armand,	Howlan,
Baillargeon,	Kaulbach,
Bellerose,	McClelan, ( <i>Lond' de'ry</i> )
Benson,	MacDonald, ( <i>Victoria</i> ),
Botsford,	Macfarlane,
Bourinot,	Macpherson,
Campbell,	Miller,
Carroll,	Montgomery,
Chapais,	Muirhead,
Chinic,	Penny,
Cochrane,	Read,
Dever,	Scott,
Dickson,	Seymour,
Fabre,	Simpson,
Ferguson,	Skead,
Ferrier,	Vidal,
Girard,	Wilmot.—39
Guévremont,	

The Bill was read a third time and passed.

THE BIBLE CHRISTIAN MISSIONARY SOCIETY BILL.

THIRD READING.

Hon. Mr. SIMPSON moved the third reading of the Bill to incorporate the Bible Christian Missionary Society. He explained that it was nearly a transcript of the Baptist Missionary Society's Bill, which had passed the House this Session. They were not allowed to hold land or establish Schools in Connection with the Society. The Bill had been carefully drawn, and had unanimously passed the Committee.

Hon. Mr. BELLEROSE moved in amendment,

“ That the question be not now put, but that the Bill be referred to the Judges of the Su-

preme Court for their opinion on the question whether this measure does or does not relate to a matter coming within the classes of subjects assigned exclusively to the Legislatures of the Provinces by the 'British North America Act' of 1867, Section 92, Sub-Section 13, 'Property and Civil Rights in the Province;' Sub-Section 11, of same Section, 'Incorporation of Companies with Provincial Objects;' Sub-Section 16, 'Generally all matters of a merely local or private nature in the Province;' and, lastly, Sub-Section 7, 'The establishment, maintenance and management of Hospitales, Asylums, Charities and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.'"

He said he regretted that it fell to his lot to offer any opposition to this Bill. He had no intention of impeding its passage unless it should be found to be not within the jurisdiction of this Parliament. In 1876, when the Christian Brothers' Incorporation Bill was before the House, the Hon. Mr. Odell moved its reference to the Supreme Court, and, in doing so, stated "his objection to the Bill was solely "due to the fact that it was *ultra vires*." It was on the ground that the Bill now before the House interfered with civil rights that he (Mr. Bellerose) moved to refer it to the Supreme Court. In the debate on the Christian Brothers' Bill, Hon. Mr. Dickey had stated "it would "cause very much less delay to have this "referred to them (Supreme Court) for "such a decision, than by any other "course that could be taken;" and Hon. Mr. Miller had remarked "it would be a "great advantage to all if it were "decided what the powers of this Parliament actually are with regard to measures of this character." He (Mr. Bellerose) believed this was quite true, and it would be a great deal better to have the opinions of the Judges of the Supreme Court as to whether the Bill before the House was constitutional or not. A decision on this point would save the time of the House, when bills similar to this might come before it in the future.

Hon. Mr. TRUDEL asked if the words "Missionary Schools" had been struck out of the Bill.

Hon. Mr. SIMPSON—Yes.

Hon. Mr. TRUDEL said he had supported the amendment chiefly because he thought it would be better to have this question settled at once by the Supreme Court, and settle the doubts that existed as to the power of this Parliament to pass such a measure. He would not go so far

*Hon. Mr. Bellerose.*

as to say the British North America Act contained any clause specially, and in so many words applying to the present case, and denying such jurisdiction to this Parliament, but he contended that the spirit of that Act was that such measures should be left to the Local Legislature. He specially called attention to the 16th subsection of the 92nd section of the British North America Act, by which it would be seen that powers of a local or private nature could be conferred by the Local Legislatures only, and he contended the object of this Bill was of a private nature. The right to hold real estate was, he understood, struck from the Bill, but it was still objectionable, while the right to possess movable property was retained. The right of holding bank stock, for instance, was a civil right, and came under the jurisdiction of the Local Legislatures. Other bills, similar to this, had been rejected by this House, and if this were allowed to pass without a reference to the Supreme Court, it might give rise to a feeling that a certain portion of the people did not receive the same consideration at the hands of this House that others did. It could do no harm to this Bible Society to make this reference, and, as the Supreme Court could give their decision in a day or two, if the Bill were declared constitutional, it would pass both Houses without opposition.

Hon. Mr. SCOTT said he did not consider the right to hold promissory notes, bank stock and similar assets, was any special gift from this Parliament, because in their individual capacity, they could hold them without an act of incorporation. Practically, this legislation merely incorporated the Society and gave them a name. He would be sorry to come to the conclusion that the Federal Parliament was precluded from the right to grant such a charter unless the object was clearly one of a provincial character. He could not see that the Bill on the face of it professed to be provincial. On the contrary, the object in getting this charter, had been shown to be to save them from the necessity of applying to the Local Legislatures for acts of incorporation. If he entertained any doubts on this subject he would have no objection to referring the Bill to the Supreme Court, but the prerogative of this House would be reduced to a very narrow

point if it could not pass such a simple Bill as this, giving a society no power beyond the name.

Hon. Mr. MILLER said he would not be disposed to favor unnecessarily referring the legislation of this Parliament to the Supreme Court, or any other tribunal. Where, however, a clear public advantage would be gained by such reference, the subject should be referred; but the case should be one of very great importance that would justify the House in parting with any of its inherent powers, in judging of matters of legislation to be submitted to it. With regard to the Bill before the House, he was thoroughly in accord with the hon. Secretary of State. This Bill was not one for a purely private or local purpose, but even if it were, it would not be shut out from this Parliament, because then all private bills would be excluded from this Legislature. The 16th subsection of the 92nd section of the British North America Act alluded to matters purely local or private within the Province, which made a very great difference indeed in the present connection. The Bill before the House was intended to incorporate a purely religious and charitable body. If it were confined to one particular Province it would be nothing but right that the charter should be obtained from that Province, but when its operations were intended to be of a general character, extending all over the Dominion, there was no reason why the House should unnecessarily curtail its powers in referring this Bill to the Supreme Court. In this case the Society merely asked to be incorporated for the purpose of diffusing the blessings of Christianity and Christian knowledge, and supporting missions. Missionary schools were mentioned in the Bill, but at the suggestion of some members of the Committee these words were struck out. He thought that unnecessary. He believed the House had the right to pass the Bill as it stood before that amendment was made, because it did not any interfere with the educational system of the Provinces to prevent private individuals or societies establishing schools independent of the educational system of the country. There were numbers of such schools throughout the Dominion, supported by voluntary contributions, as the missionary schools of this Society would have to be, and therefore this Bill could

*Hon. Mr. Scott.*

have been passed even with that clause in. He contended if this Parliament had the power to incorporate the society, it had power to give them the civil rights incidental to the organization. If he had any doubts as to the constitutionality of the Bill he would have voted for the amendment without hesitation, but as he had none, he would vote for the third reading.

Hon. Mr. BELLEROSE contended this argument was not logical. The law gave this Parliament no power over the incorporation of public bodies such as this Society. The argument was good so far as banks, railways, etc., were concerned, because the constitution gave the Federal Parliament power over all matters connected with trade and commerce, but it did not apply to such bodies as this, because the Constitution contained no provision giving this Parliament jurisdiction over them. On the contrary, the jurisdiction was given to the Local Legislatures by the express terms of the Act.

Hon. Mr. MILLER said, in dealing with banks, Parliament had to deal with civil rights, and they had the power to do so, because the question of banking was assigned to this Parliament. If, therefore, they had the power to deal with civil rights, where the subject was expressly and beyond doubt assigned to the Federal Parliament, they had the same power in regard to subjects over which they possessed an implied authority. The power of this Parliament to incorporate a Society, as in this case was not disputed, and it could not be denied that the power to confer incidental civil rights accompanied it; but such rights were subject, of course, to the laws of the several Provinces in which they might be exercised.

Hon. Mr. TRUDEL—The hon. gentleman from Arichat (Mr. Miller), inferred that it was not possible to grant a charter without granting some civil right. He (Mr. Trudel) considered that even the granting of the charter, or the right to exist, was conferring a civil right; and that was one of the reasons why he had some doubts as to whether the Bill came within the jurisdiction of this Parliament. The hon. member argued that from the fact of granting the right of existence, followed as a necessary sequence the right to possess what was

necessary to that existence. This was what was called *petitio principii*, because the question in dispute was precisely whether or not this Dominion Parliament had a right to give existence to that Company. The right of the Dominion Legislature to incorporate banks was invoked as showing, by parity of reason, that Parliament had jurisdiction in this matter. The hon. gentleman would remark, what was of first importance, that this right to incorporate banks was mentioned in the 15th sub-section of section 91, of the British North America Act. Looking at the whole section, it would be seen that it was the allusion made to the right to incorporate private companies. It was there specially reserved for the incorporation of banks. It was excepted, and the exception proved the rule. That rule was that the Dominion Parliament had no right to incorporate such companies. Moreover, what benefit would be conferred upon such societies, to grant them such charters? Invariably, their bills were curtailed in such a way as to deprive them of all practical advantage of incorporation. It was said that their object was not merely provincial, as their intention was to act all over the Dominion. In this sense, their object was no more federal than provincial, because the House was told, also, that the Society intended to extend their action all over the world. It was a fact that the object of such societies was not confined to one province or to one country, and he failed to see, since they were practically denied all civil rights to possess real estate in the Provinces without a Local charter, how a Dominion charter would put them in a better position to act in all the Dominion and in foreign countries, than a mere local charter of incorporation. They would be obliged to go before one, at least, of the Local Legislatures, to obtain the right to own real property in one of the Provinces; consequently they would incur double expense. Would it not be more beneficial to those societies to prevent them from coming here, and direct them to the proper place to seek incorporation? Some hon. members had declared they had no doubt on that question. It was very fortunate for them. He did not go so far as to say that he had no doubt on the unconstitutionality of the measure. If he entertained such an

Hon. Mr. Trudel.

opinion, he would act in a different way. Instead of seconding the motion of his hon. friend opposite, (Mr. Bellerose), he would move to defeat the Bill directly, by proposing the six month's hoist. It was because he saw a great deal in the arguments on both sides that he conceived there was great doubt on the question, and therefore advocated the reference to the Supreme Court. In consequence, he hoped the House would adopt the amendment, and settle the question definitely, in order that the House might know how to deal with them in future.

The House divided on the amendment, which was rejected on the following division:—

#### CONTENTS :

##### Hon. Messrs.

Armand,	Chinic,
Baillargon,	Cormier,
Bellerose,	Girard,
Botsford,	Guévrumont,
Bureau,	Kaulbach,
Chaffers,	Pozer,
Chapais,	Trudel.—14.

#### NON-CONTENTS :

##### Hon. Messrs.

Aikins,	Lewin,
Allan,	McLelan (Lond'derry),
Benson,	McMaster,
Christie (Speaker),	Macdonald (Victoria),
Cochrane,	Macfarlane,
Dever,	Miller,
Dickson,	Muirhead,
Fabre,	Pelletier,
Ferguson,	Penny,
Ferrier,	Read,
Glazier,	Scott,
Grant,	Seymour,
Hamilton (Inkerman),	Simpson,
Hamilton (Kingston),	Skead,
Haviland,	Stevens,
Haythorne,	Vidal,
Hope,	Wilmot.—34.

The Bill was then read a third time and passed.

The House adjourned at 10 o'clock.

#### THE SENATE.

Friday, April 5th.

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings.

THIRD READINGS.

Hon. Mr. HAMILTON (Kingston) from the Committee on Banking, Commerce, and Railways, reported the following Bills with amendments:—

An Act to confer certain powers on the Montreal Building Association.

An Act to amend the Act incorporating the Sydenham Harbor Company.

The bills were read the third time and passed.

MINISTERIAL CHANGES IN QUEBEC.

MOTION FOR RETURN.

Hon. Mr. CAMPBELL moved that the fourteenth rule of this House be dispensed with in so far as it relates to the following motion, viz:—

“That an humble address be presented to His Excellency the Governor-General, praying His Excellency to be pleased to transmit to this House, copies of any correspondence with, or communications to His Excellency or to the Secretary of State, from Mr. DeBoucherville, or any other Member of the late Government of the Province of Quebec, since the 26th of March last, on the subject of the recent Ministerial changes in that Province; and also that His Excellency will be pleased to transmit to this House a copy of the commission held by the Lieutenant-Governor of the Province of Quebec, and of any instructions issued to him therewith or since.”

The motion was agreed to.

CONSTRUCTION OF THE PACIFIC RAILWAY.

RESOLUTION.

Hon. Mr. READ moved,

“To resolve, That this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway involves the expenditure of enormous sums of public money without any corresponding beneficial results.”

He said:—It must be apparent to this House that great uneasiness, uncertainty, and doubt prevail among the people as to what the effect of the construction of the Pacific Railway will have upon the country. The Finance Minister, in his Budget Speech of 1874, told us that it would

Hon. Mr. Hamilton.

cost the Dominion one hundred and fifty or one hundred and sixty millions of dollars to complete this great undertaking. It should not be regarded from a party point of view, but as a national work, deserving of the patriotic consideration and support of all parties. We all agree as to the necessity of this great highway; the only disagreement between the parties appears to be as to the way in which it shall be constructed. No matter by whom it is built, it must cost the country a very large amount of money. When we come to see the large sums which have already been expended and the small results that have been attained, we may well feel alarmed. As far as can be ascertained from the returns that have been brought down, the total expenditure up to the present time amounts to \$10,062,887.96. From this we may deduct \$572,144.19 charged to the Intercolonial Railway, leaving \$9,490,743.77 as the net expenditure on the Pacific Railway. I find these amounts in the Public Accounts:—

Up to the end of 1875-6...	\$6,254,280	21
In 1876-7.....	1,691,149	97
Charged to Con. Fund....	30,148	32
	<hr/>	
	\$7,975,598	50

This was the expenditure up to the 30th of June last. I see by a return which has been submitted to Parliament this week that the expenditure on the Pacific Railway this year has been \$1,515,165.27, and this does not include the \$572,000 charged to the Intercolonial. No wonder the country is alarmed at such an enormous expenditure when there is so little to show for it. The agreement with British Columbia to build the Pacific Railway was entered into in 1871, and on the 11th of April in that year the following resolution was adopted by the House of Commons:

“Moved by Sir George Cartier, seconded by Mr. Tilly,

“Resolved, That the railway referred to in the address to Her Majesty concerning the union of British Columbia with Canada, adopted by this House on Saturday, the 1st April instant, should be constructed and worked by private enterprise, and not by the Dominion Government, and that the aid to be given to such undertaking should consist of such liberal grants of land, and such subsidy in money, or other aid not increasing

"the present rate of taxation, as the Parliament of Canada shall hereafter determine."

By the journals it may be seen that Mr. Dorion moved, seconded by Mr. Holton, in amendment, to add these words to the resolution: "And not otherwise," for which Mr. Mackenzie, Blake, Mills, Fournier, Huntington, and the whole party, then in Opposition, voted. Subsequently in 1872, as may be seen on the 145th page of the Journals, it was moved by Sir George Cartier, seconded by Sir John A. Macdonald, "That the whole line shall be constructed and worked by one Company; that fifty million acres of land and thirty millions in cash shall be granted as the road progresses, the land to be held by the Government and sold for the Company. The Company to have twenty thousand acres of land in alternate sections, per mile, to aid the construction, the Government reserving the other portions of land." In the Lake Huron and Superior section the contractors were to have twenty-five thousand acres per mile. It may be said that the road could not have been constructed upon these terms, but when we saw two rival companies, composed of the wealthiest and ablest men of the country, on both sides of politics, struggling for the contract, we may at least suppose they knew their business, because we know these same gentlemen had been largely connected with railway business before, and had already acquired enormous wealth. Amongst these names on one side, we find Senators Macpherson, Simpson, Ryan, Price, McMaster, and one hundred and ten of equally well-known capitalists. On the other side we find Sir Hugh Allan, Sir Edward Kenny, David Christie, Donald A. Smith, E. B. Burpee, and a large number of equally wealthy and able men, all of Canada, prepared to risk their fortunes in the enterprise. It was the struggle between these two companies that eventually destroyed the enterprise, through false rumors being circulated both in Canada and in England. The struggle being severe for the mastery, the action taken by the rivals caused the defeat of the scheme, as well as the Government of the day, much to the disadvantage of the Dominion at large. Had this work gone on, we should not have experienced

*Hon. Mr. Read.*

the hard times from which we have suffered during the last four years. While the amendment of hon. Mr. Dorion was not adopted, the Government provided that the railway should be built by a private company, and in such a way as not to increase the taxation. This was the position in which this undertaking stood when the present Government assumed office. The first announcement of a change of policy was in Mr. Mackenzie's address to his constituents in 1874. He declared that the eastern section, north of the great lakes, would be abandoned and our "magnificent water stretches" used, by which a saving of 1,300 miles of railway construction would be effected. At that time there was not a word said about utilizing Rainy Lake and Rainy River. The policy was to use the great lakes and the Saskatchewan, and to construct the Georgian Bay Branch. We all know what became of that scheme. This did not satisfy the people of British Columbia. They complained to the Imperial Government, that the Government of the day had no intention of carrying out the agreement under which the Pacific Province became a part of the Dominion. The result of the appeal was the substitution of the Carnarvon terms for the original agreement. Under that arrangement the Canadian Government agreed to build a road from Thunder Bay to the Pacific coast in 15 years; to build the Esquimault and Nanaimo Railroad on Vancouver Island, and to spend \$2,000,000 yearly in British Columbia as soon as the surveys were completed. We know the fate of the Esquimault and Nanaimo Railway Bill. It was opposed by many supporters of the Government in the Lower House, Messrs. Blake, Mills and others, and in this Chamber it was defeated, through the votes of hon. gentlemen who usually follow the Ministry. The Government must have been aware that their agreement was an unwise one, for they neither introduced the measure again, nor tested public opinion upon the subject. I have no hesitation in saying I am sure this House would have passed that measure if they had believed the people desired it. We have not seen that any commencement has yet been made in the construction of the road in British Columbia, although the Government, after the defeat of the Esquimault and Nanaimo Railway Bill in this House,

purchased 5,000 tons of rails and fastenings, at a cost of about \$320,000, and sent them out to Vancouver Island, where they are rapidly rusting away, as may be seen from the rust scales now lying upon the table. I suppose they are carrying out the other terms of the second agreement quietly, although it is said they do not intend to complete even the road from Thunder Bay to Fort Garry. Then there is the Georgian Bay Branch. There was great haste about that. In 1874 an agreement was entered into for the construction of that section of the railway. Under the Pacific Railway Act, that was a work which this House had no control over. That Act was passed through Committee in this House late on a Saturday night, and Parliament was prorogued a day or two after; the clause providing that the contracts should be submitted to the House of Commons escaped the notice of the Committee. In the course of the debate upon this Bill, the general impression on both sides of the House seemed to be that the contracts must be submitted to Parliament, which means both branches of the Legislature. One hon. gentleman, who is the right-hand man of this Government, said, "These contracts were not to be completed until after Parliament had sanctioned them;" and the hon. gentleman who leads the Opposition in this House, in the course of his remarks, said "they should always be submitted to Parliament." I cannot understand how these two or three lines which nobody in this House appeared to have seen, got into the Act. The effect of this clause was that the Senate had no voice in the adoption or cancellation of these contracts. After discussing this Georgian Bay Branch two or three years in succession, I recollect one day the hon. Secretary of State told me I had brought it up every other day. I have nothing to regret in having done so, in view of the circumstances attending the giving of the contract, and its subsequent cancellation. It will be well for us now to see where the ten millions of dollars expended on the Pacific Railway have gone. The surveys up to the present time, so far as we have returns, and what we may anticipate as the expenditure for the current year (judging from past expenditure of this Government) cannot be less than \$4,122,747. The outlay has been as follows:—

Hon. Mr. Read.

In 1871-2.....	\$489,428.10
" 1872-3.....	563,818.41
" 1873-4.....	310,224.88
" 1874-5.....	574,520.89
" 1875-6.....	791,121.19
" 1876-7.....	754,621.57
" 1877-8 say.....	750,000.00

I have estimated the expenditure for the current year at about the same as that of the last two years, which makes the total expenditure on surveys the amount I have stated. Is there any explanation for an expenditure in two years exceeding the outlay of the former Government in three years, by two hundred thousand dollars? (\$200,000!) I have seen nothing to warrant this enormous extra outlay these last three years. It seems to me the Government have been remiss in not deciding upon a terminus on the Pacific coast before expending such enormous sums in surveys through British Columbia. Last year the British Government were asked for a report for a terminus in British Columbia. Admiral De Horsey was called upon to give an opinion as to the proper place for a terminus on the Pacific, which was given last fall; so it is evident up to that time, they had arrived at no decision on this point themselves, though they had been spending millions of dollars in running lines through the Rocky Mountains, and the Cascade Range for three years, without knowing where they wanted to locate the line. In my opinion, the first duty of the Government was to have selected the terminus, and then found the best way to it, for without a good port, the railway would be comparatively useless for commerce. They have to look not only to the growing trade on the Pacific Coast, which has built up such a city as San Francisco, but also to the future trade of a large portion of the North-West, because we cannot expect it will come two thousand miles, when it can reach the sea in less than half that distance. Evidently the Government have not acted on the advice of Admiral De Horsey, nor have they selected the terminus.

Hon. Mr. CORNWALL—Has the hon. gentleman read the reports of other admirals?

Hon. Mr. READ—I have seen them all. I am not going to discuss the question of where the terminus should be.

What I contend is that some place should have been selected before expending such large sums of money in making surveys which have benefitted nobody but the engineers and others with them. When that expenditure comes to be investigated, I think it will be found that irregularities crop up here and there, just as in matters nearer home. I do not say that the Government have done anything designedly wrong in that direction; I charge them with nothing they have not been guilty of individually, as regards expenditures. Now let us see what has become of the rest of the sum of \$10,000,000. I find one little bill amounts to \$3,425,665.09, as the cost of steel rails to the country up to the present time, as we find it in the Public Accounts. I might have passed over this subject—it being a painful one—if an hon. gentleman opposite had not thrown out a challenge a few days ago. I told him then I would answer it, and I will do so, stating nothing for which I cannot produce absolute proof. I am prepared to show that, in this transaction, the Government have been guilty of culpable negligence and reckless waste—I will go further, and say, and jobbery as well. The sum of \$3,425,665.09 is made up of the following items:—

About 10,000 tons	Guest & Co.	\$ 576,471.59
5,000 "	Elbow Vale Co	284,117.21
20,000 "	Mersey Comp	1,128,737.35
10,000 "	West Cumberland Company	558,175.52
5,000 tons,	Naylor, Benson & Co.	265,052.36
150 tons	spikes, \$57.00	8,550.50
160 tons	bolts and nuts,	
\$101	.....	16,160.00
73 tons	nuts and spikes	6,800.69
Spikes, &c.,	Public Acts.	17,922.50

TRANSPORTATION.

About 5,000 tons	Vancouver Island	51,462.96
20,000 "	Montreal, and Kingston to Lake Superior	89,060.00
4,000 tons	Montreal to Kingston	5,850.00
11,000 tons	Montreal to Lachine	8,782.11
10,000 tons	Montreal to Lake Superior	67,126.28
15,000 tons	Duluth to Red River, 1876	206,171.33
Duluth to Red River	1877	125,985.12
Wharfage,	Montreal	2,550.81
Storage, H. B. Co.,	2 years	3,927.76
Do Vancouver Coal Co.	two years.....	2,801.50

\$3,425,665.09

Hon. Mr. Read.

Hon. Mr. MACPHERSON — Does that include interest on the money?

Hon. Mr. READ—No; I include nothing but what I find in the Public Accounts and returns submitted to Parliament. I will begin at the inception of this transaction—the first advertisement for tenders was as follows:—

“Tenders, in quantities of not less than 5,000 tons of steel rails, will be received by the undersigned not later than Thursday, the 8th October, 1874.

The tenders to state the name of the maker and the price per ton of 2,240 lbs., delivered on the wharf at Montreal during the season of navigation of the year 1875; the last delivery to be not later than 1st October.

Payments will be made of 85 per cent. of the delivered price on the bills of lading in England.

Weight of the Rails to be 90 tons to the mile of railway.

Tenders to be marked “Tenders for Steel Rails.”

By Order,  
F. BRAUN,  
Secretary.

DEPARTMENT OF PUBLIC WORKS,  
OTTAWA, Sept. 29, 1874.

TENDER FOR STEEL RAILS,  
F. Braun, Esq.,  
Secretary, Public Works,  
Ottawa, Canada.

6. The rails to be 57½ pounds per yard, or 90 tons per mile of railway.
7. The rails to be fish-jointed, with Bessemer steel fish-plates, and iron bolts and nuts.
8. The form of the rail to be “Sandberg's Standard Section,” the fish-joints also to be Sandberg's Standard, with such modifications as may be authorized and directed.
9. Ninety per cent. of the rails to be in lengths of 24, 26, 28 and 30 feet; ten per cent. may be in shorter lengths, in even feet, but none under 18 feet.
10. The steel fish-plates to be formed reversible, with four holes punched for bolts with pear-shaped necks.
11. Each rail to be notched ¾ inch x ¾ inch at the four corners.
12. The maker's name and year of manufacture must be distinctly marked on each rail.
13. Inspectors will be appointed to overlook the manufacture of the rails, and to test their quality, and the makers will be required to make all such tests as the Inspector may deem necessary, to secure the best description of steel rails manufactured.
14. The rails to be delivered on the wharf at Montreal, during the season of navigation of the year 1875. The last shipment to be made in time to arrive by October 1st.
15. In the delivery of rails, the proportionate

quantity of fish-plates, bolts and nuts must be made with each shipment, or previously.

16. The fish-plates, bolts, &c., must be done up in such parcels and in such a manner as will secure them against loss in transportation.

17. The rails, &c., to be fully insured, and contractors to replace any cargoes that may be lost.

18. Payments will be made in England on the bills of lading, insurance papers, and certificates of inspection, equal to 80 per cent. of the delivered price; the balance will be paid on the due fulfilment of the contract.

19. Parties tendering must satisfy the Minister of Public Works as to their ability to carry out the contract.

OTTAWA, October 3rd, 1874.

We have the statement made, in the returns brought down to Parliament, that

"The above advertisement has been sent

"to the following papers, with instructions for five insertions:—

"Montreal Herald, Witness, National,

"Bien Public, Trade Review.

"Quebec Daily Mercury, Le Journal de

"Quebec, L'Evenement.

"New York, The Herald, Scotsman, The

"Coal and Iron Record.

"Toronto, The Globe (daily), Nation."

Strange to say, this advertisement for a contract involving an expenditure of millions of dollars, appeared in only one newspaper, the Montreal Herald.

Hon. Mr. PENNY—It was in the *Witness*.

Hon. Mr. READ—I believe it did afterwards appear in the *Witness*, but the most suspicious circumstance was this: although the notice was dated September 29th, the tenders were to be in Ottawa, on the 8th of October, the rails had not only to be procured abroad, but were not like an article kept on hand. The advertisement first appeared in the *Montreal Herald* on the second of October, and the tenders were to be opened in Ottawa on the 8th of October. It did not appear in the *Globe* or in any of the newspapers mentioned by the Premier. The files of the *New York Herald* have been carefully searched as well as other papers, yet it cannot be found there, even it did not appear in the *Globe* until 13th October. Mr. Darling, Mr. Workman and several other gentleman came to Ottawa and represented to the Government that they could not put in tenders on such short notice, and succeeded in having the time extended. I ask why was the proper notice not given in the first place? Was it a business transaction where so large a quantity was intended to be purchased especially as there was no haste?

Hon. Mr. SCOTT—Because there were not a dozen people who would tender.

Hon. Mr. READ—Such is not the fact, for there were thirty tenders for 350,000 tons of steel rails. They were as follow:—

## TENDERS FOR STEEL RAILS AND IRON BOLTS AND NUTS.

Name.	Address.	For 5,000 Tons Steel Rails & Plates.	Iron Bolts and Nuts.
		Per Ton	Per Ton.
		\$ cts.	\$ cts.
Cox & Green.....	For West Cumberland Iron and Steel Co.....	53 53	.....
Joseph Robinson & Co.....	Elbw Vale Co.....	53 53	117 41
Post & Co.....	Guest & Co.....	54 00	93 29
Cooper, Fairman & Co.....	Mersey Co.....	54 26	101 00
Thos. Reynolds, jun.....	Aberdare Co.....	54 75	117 41
Rice, Lewis & Son.....	Toronto.....	55 00	99 00
John Frazer.....	Kingston.....	55 17	100 00
Post & Co.....	Guest & Co.....	55 24	93 29
T. V. Allis.....	New York.....	55 76	94 50
G. A. Smith & Co.....	New York.....	55 84	102 20
J. Waddell & Co.....	Cammell & Co.....	55 97	.....
D. Torrance.....	Mersey Co.....	56 21	.....
James Watson & Co.....	Glasgow.....	56 57	92 47
George Stephen.....	Steel Co. of Scotland.....	56 57	.....
G. A. Smith & Co.....	New York.....	56 57	102 20
C. J. Brydges.....	Barron Co.....	56 57	.....
Frothingham & Workman.....	Mersey Co., Guest Co., & Phoenix Co.....	57 06	.....
Jones & Burland.....	Mersey-Co.....	57 20	.....
M. Cramp.....	do.....	57 25	.....
Frothingham & Workman.....	Montreal.....	57 79	.....
John Proctor.....	Hamilton.....	57 95	.....
J. Perrault.....	Montreal.....	57 95	118 50
Frothingham & Workman.....	do.....	58 27	.....
E. O. Bickford.....	Atlas: J. Brown & Co.....	58 40	.....
Drummond, Cassells & Co.....	Brown, Bayly & Dixon.....	64 06	109 50
Escoubé & Berns.....	Belgium.....	64 24	.....
Jones & Burland.....	Phoenix Co.....	64 25	.....
A. G. Godeffroy.....	Westphalia.....	82 73	82 73
Wm. Darling & Co.....	Montreal.....	.....	92 47
John Crawford.....	Montreal.....	10 50	.....

If the lowest tender had in all cases been accepted, then we would have had nothing to complain of. I do not complain that relatives and friends of the Premier tendered; they had a perfect right to do so, but I do complain when lower tenders than theirs were passed over and the contracts given to his brother's firm. Of the money expended on the steel rails, I find Cooper, Fairman & Co. received \$1,561,792.15. That is a large amount, especially if they received ten per cent. above other offers on any part of it.

Hon. Mr. SCOTT—Hear. hear.

Hon. Mr. READ—The hon. Secretary of State laughs, but before I resume my seat I will prove by the returns they had

that profit on some of the supplies above what several others had tenders in for. Take the bolts and nuts, for instance, for the supply of which there were seven lower than Cooper, Fairman & Co. It will be seen they received for 160 tons of iron bolts and nuts \$101 per ton, while there was one tender in to supply them for \$82.73 and two for \$92.47. Will the hon. gentleman say they had not a profit of ten per cent. or more on that transaction above other tenderers? Now, let us take tenders for rails. When the Government had purchased 45,000 tons they made up their minds to buy 5,000 tons more, some two months after the tenders were in, to send to British Columbia. The following letter may explain why rails were purchased when not wanted:—

Hon. Mr. Read.

"DEAR SIR, "MONTREAL, 29th Dec. 1874.

"I have just received a cable message through Mr. Gourman on behalf of the makers offering 6,400 Tons best Bessemer steel rails additional at £10 10 0, F. O. B., Liverpool, subject to reply upon Thursday: should you be able to take this extra lot I will secure them at once as the prices will probably advance after New Year. The writer will wait upon you in the morning at the station with reference to this offer.

"Your obedient servant, "JAMES COOPER."

"HON. A. MACKENZIE.

They did not call for tenders for these 5,000 tons, though the market was falling, but the Premier made a direct offer to Cooper, Fairman & Co., his brother's firm. Two days before making this offer, the following order was given:—

"OTTAWA, 5th January, 1875.

"GENTLEMEN.—The Minister of Public Works having reconsidered your offer on behalf of the West Cumberland Iron and Steel Company (Limited) of Workington, to supply 5,000 tons of steel rails in addition to the quantity stipulated in their contract, at £10 (ten pounds) sterling per ton, and on the terms and conditions of their said contract f. o. b. at Workington, I am to inform you that said offer is accepted and to request you will advise the Company accordingly.

"I have, &c., (Signed) F. BRAUN, Secretary."

"Messrs. Cox & Green, Montreal.

"OTTAWA, 5th January, 1875.

"SIR,—In reply to your communication of the 29th ult., offering to supply 6,400 tons of Bessemer steel rails at £10 10s. f. o. b. at Liverpool, I beg to inform you that the Department does not require any more.

"I have, &c., (Signed) F. BRAUN, Secretary."

"James Cooper, Esq., Montreal.

"OTTAWA, January 7th, 1875.

"Telegram to Messrs. Cooper, Fairman & Co., Montreal.

"If freight to British Columbia can be got at two pounds sterling, the Government will take time. Delivery will be at Esquimault, Cowichan Bay or Nanaimo, at all of which places there are good facilities.

"(Signed) F. BRAUN, Secretary."

Hon. Mr. Read.

"OTTAWA, January 18th, 1875.

"By telegram from Montreal to W. Buckingham, Public Works.

"Accept your offer made by telegram on the seventh. Rails ten pounds ten shillings (£10. 10s.); freight forty shillings, insurance not included.

"(Signed) JAS. COOPER."

"13 & 15 HOSPITAL STREET, MONTREAL, 18th January, 1875.

"DEAR SIR,—Referring to the contract you have awarded to our friends, the West Cumberland Iron and Steel Company, for 5,000 tons steel rails, to be delivered at Workington, we are informed you propose this lot to be shipped to the Pacific Coast, in which case we venture to say you would require a sufficient supply of spikes to accompany them; we are not now in a position, but expect soon to be, to give you a quotation for their delivery with the rails at Workington.

"We are yours faithfully, (Signed), COX & GREEN."

"F. BRAUN, Esq., Secretary, Department of Public Works, Ottawa."

"OTTAWA, December 9th, 1874.

"GENTLEMEN,—In reply to your communications of the 30th ult., asking if any more steel rails would be required by the Government during the coming year, in addition to those already purchased, I beg to inform you that should any more be required, tenders will be called for as previously done.

"I have, &c., (Signed), F. BRAUN, Secretary."

"CHAMPLIN & GILLET, P.O.B., 3,012, New York, U.S.,

"OTTAWA, 21st January, 1875.

"GENTLEMEN,—In reply to your several communications on behalf of Messrs. Naylor, Benson & Co., I am to state that the Government accepts their offer to supply 5,000 tons of steel rails at £10 10s. 0d. sterling per ton f. o. b. at Liverpool, and allows £2 0s. 0d. per ton for freight to the Vancouver ports.

"The Agent General of the Dominion, E. Jenkins, Esq., M.P., will see to the insurance.

"Messrs. Morton, Rose & Co. are Financial Agents of the Government in London.

"I have, &c., (Signed), F. BRAUN,

"Messrs. COOPER, FAIRMAN & Co., Montreal.

A reference to these documents will show that on the 22nd of December a telegram was sent to Cox & Green. in reply

to a question whether the Government wanted more rails, and that an answer was given that "No further steel rails wanted, thanks;" and this was only a few days before Cooper, Fairman and Co. were asked to supply 5,000 tons, as will be seen from the following telegram:—

"OTTAWA, Jan. 18th, 1875.

"By telegraph from Montreal to W. Buckingham, Public Works:—

"Accept your offer made by telegraph on seventh. Rails ten pounds ten shillings (£10 10s.); freight, forty shillings, insurance not included."

"(Signed), JAS. COOPER."

This firm had an offer to supply over \$300,000 worth of goods, and were at liberty to go anywhere they pleased and make what they could out of it. My complaint is that the Government did not ask for tenders though there was a falling market, and people were urging them to take more at lower rates than were paid Cooper, Fairman & Co. I think the country will say that the public money was expended under very suspicious circumstances in that case. We find that Mr. Mackenzie's brother was then a special partner in this highly favored firm, and that he had an interest of \$15,000 in it. I will read the deed of partnership, and hon. gentlemen can judge for themselves whether Mr. Charles Mackenzie, the Premier's brother, benefited by those contracts given in such an irregular manner and under circumstances so suspicious.

"No. 59.

Province of Quebec,  
District of Montreal.

"We, the undersigned, do hereby certify that we have entered into co-partnership under the style or firm of Cooper, Fairman & Company, as merchants, which firm consists of James Cooper, of the city of Montreal, and Frederick Fairman, at present residing at Waterloo, in the said Province, as general merchants, and Charles Mackenzie, in the Province of Ontario, as a special partner, the said Charles Mackenzie having contributed fifteen thousand dollars to the capital stock of the said partnership, which said partnership commenced on the first day of January, 1873, and terminates the first day of January, 1878. Dated this second day of January, one thousand eight hundred and seventy-three.

"(Signed), JAMES COOPER,  
F. FAIRMAN,  
CHARLES MACKENZIE."

"Signed in the presence of

"JOHN C. GRIFFIN, N. P.

"Signed, filed and registered this seventh day  
Hon. Mr. Read.

of January, one thousand eight hundred and seventy-three.

"HUBERT, PAPINEAU & HONEY, P. S. C."

This was a special partnership, and in law the dissolution to be effective, requires to be registered. We find a new partnership has been registered in the following words:—

"We, James Cooper and Frederick Fairman, both of the city of Montreal. Hardware Merchants and Importers, hereby certify that we have carried on, and intend to carry on business as such in the city of Montreal, in partnership, under the name of Cooper, Fairman & Company, and that the said co-partnership has not subsisted since the fourth day of May last, and that we, the said James Cooper and Frederick Fairman are, and have been since the said day, the only members of the said partnership. Witness our hands at Montreal, this twentieth day of July, one thousand eight hundred and seventy-five.

(Signed)

JAMES COOPER.  
F. FAIRMAN.

"Filed and registered this twenty-fourth day of August, one thousand eight hundred and seventy-five.

HUBERT, PAPINEAU & HONEY, P. S. C.

It will be observed that Naylor, Benson, & Co. never put in tenders, and if the bolts and nuts had not been left out of the tender of the Mersey Company for 20,000 tons steel rails, which Cooper, Fairman, & Co. represented, their tender would have been higher than several others. This bolt and nut transaction I will allude to again in a short time. When this matter was brought up again in this House last year, we were told by gentlemen supporting them:—

"That they (the Government) had lost money, "was true, and any Government that would "lose over \$1,000,000 might expect to hear of "it at the hustings. That was the place for "such clap-trap, not the Senate."

I don't know what the Senate is for if we are not to take notice of such matters. Now, let us see what rails have been selling for since the Premier made this purchase, through his brother's firm, without tender, of 5,000 tons, at £10 10s. per ton. I see that Bolckow, Vaughan, & Co. lately obtained an order in Brussels for supplying 9,000 tons of steels rails at £6 10s. per ton, delivered. Several Belgium firms tendered, but at higher prices. In a falling market, and with firms anxious to supply rails, we do not know at what rate they could have been purchased in January, 1874, if tenders had

been called for. Now, let us look at the tender of Cooper, Fairman, & Co., for supplying bolts and nuts. Their tender was \$101 per ton, while Darling & Co.'s was \$92.47. The following correspondence will explain the circumstances attending that transaction:—

“OTTAWA, 17th Nov., 1874.  
“Telegram to W. Darling & Co., 30 St. Sulpice St., Montreal.

“Your tender for bolts and nuts among lowest. For what quantity would you be willing to contract?

(Signed) T. TRUDEAU,  
Deputy Minister.”

The answer was as follows, first by telegraph, and then by letter:—

“MONTREAL TELEGRAPH COMPANY,  
OTTAWA, NOV. 18, 1874.  
“By telegraph from Montreal to T. Trudeau, Deputy Minister of Public Works.

“Will supply one hundred tons: if more wanted please inform us; we are not restricted to quantity.

(Signed) WM. DARLING & CO.”

“MONTREAL, 18th Nov., 1874.  
“DEAR SIR,—In reply to your telegram of yesterday, we telegraphed this morning. ‘Will supply 100 tons, if more wanted please inform us; we are not restricted to quantity.’ Should a large quantity be required we will be pleased to have an opportunity to ask our correspondents how much they can undertake to furnish during the season of 1875.

“We are, yours very respectfully  
(Signed) WM. DARLING & Co.”  
“T. TRUDEAU, Esq.,  
Deputy Minister Public Works,  
Ottawa.”

The next communication is as follows:—  
“OTTAWA, 2nd December, 1874.

“GENTLEMEN,—Referring to your letter and telegraphic message, both dated the 18th ultimo, offering to furnish 100 tons of railway bolts and nuts, I beg to inform you that the parties who have contracted to supply the steel rails will also furnish the bolts and nuts required for the quantity of rails contracted for.

“I have, &c.,  
(Signed) F. BRAUN,  
“Secretary.  
“Wm. DARLING & Co.,  
“Montreal.”

That was to get rid of Darling & Co. Several others were got rid of besides. Two or three months pass, and then comes in the acceptance of Cooper, Fairman & Co.'s tender:—  
Hon. Mr. Read.

“OTTAWA, 18th February, 1875.  
“GENTLEMEN,—The supply of bolts and nuts required in connection with the contract of the Mersey Steel and Iron Co., for 20,000 tons of steel rails required by the Government of Canada, having been omitted from the contract, I am to acquaint you for the information of said company, that their tender for the same at \$101 per ton, delivered at Montreal at the same time as the rails, is accepted.

“I have, &c.,  
(Signed), F. BRAUN,  
“Secretary.  
“Messrs. COOPER, FAIRMAN & Co.,  
“Montreal.”

“We, as agents for Messrs. Robb & Co., of the Toronto Bolt and Nut Works, beg to supply the Laird bolts and nuts as per sample bolt, to be furnished by the Inspector, Mr. C. P. Sandberg of London, the price to be (\$101) one hundred and one dollars per gross ton, duty paid, delivered in Montreal or Toronto.

We are, dear sir,  
Yours, &c.,  
(Signed),  
COOPER, FAIRMAN & Co.,  
Agents for Robb & Co.  
The Minister of Public Works,  
Ottawa.

“OTTAWA, 5th March, 1875.  
Telegram to Cooper, Fairman & Co., Montreal  
“Your tender on behalf of Robb & Co., Toronto, for supply of bolts and nuts at \$101 (one hundred and one dollars) per ton is accepted.  
(Signed),  
F. BRAUN,  
Secretary.”

Here are two contracts given to supply bolts, although seven or eight tenders were put in at lower prices. It has been attempted to show that Cooper Fairman & Co. paid the duties upon the bolts and nuts, this letter fully explains that they did not do so:—

“MONTREAL, July 29th, 1875.  
“DEAR SIR,—We beg as Agents for “The Patent Bolt and Nut Co.,” of Birmingham, England, to supply the Government with the necessary iron fish bolts and nuts to lay 20,000 tons of steel rails on a railway track, subject to “Sandberg's” inspection before leaving the works, to be delivered in bond in Montreal, as per prices accepted and mentioned in your letter to us on this subject, Dated February 18th, in (\$101) one hundred and one dollar portion. These are for the Mersey's steel rails.

We are, dear sir,  
Your obedient servants,  
(Signed),  
COOPER, FAIRMAN & Co.”  
To the Honorable,  
The Minister of Public Works,  
Ottawa.

They had put in for the West Cumberland Company for 20,000 tons rails, but if they had got the bolts at their prices they could not have got the rails, as there were lower tenders for the whole supply. The rails are given, but not the bolts at the same time, and the bolts are not given to those willing to tender lower. We find spikes supplied by Cooper, Fairman & Co., at £18. 10s. sterling which were supplied afterwards at \$57. I complain that the Government gave this favored firm the rails to be delivered in British Columbia without tender, and the freighting of them, when a few days before, several offers had been made by others to supply the rails and transport them, while the Act of Parliament provided that all contracts should be let by tender. We now come to the freighting to British Columbia. First, we have the following telegram :

“MONTREAL TELEGRAPH COMPANY.  
OTTAWA, 11th January, 1875.

“By Telegraph from New York to Hon. A Mackenzie.

“Have just received contract duly executed by Guest & Co., which we forward to you. We learn, through a Transportation Company, that you may want some rails at British Columbia. Will you consider a proposition from us to ship one lot direct there, or for an additional ten thousand tons to be sent there? Please telegraph reply.

(Signed)

“PERKINS, LIVINGSTON, POST & Co.”

Let it be observed that Guest & Co., of the Dowlais Steel Works, which were lower for the rails, and seven dollars and seventy-one cents per ton upon the bolts lower, and who supplied 10,000 tons, were obliged by the Government to deposit with English bankers, \$25,000 as security for the performance of their contracts, while Cooper, Fairman & Co., who supplied 25,000 tons, did not make any deposit or give other security, as will be seen by the following correspondence:—

“59 LIBERTY STREET,  
“NEW YORK, February 18th, 1875.

“DEAR SIR,—We beg to advise you that Messrs. Guest & Co. wrote us under date of 4th inst., that they have deposited with Messrs. Glyn & Co., \$25,000 in bonds of the United States Funded Loan, as the security required by their contract. We take this opportunity of saying that if, for any reason, any of the awards of steel rails you have made will not be carried out, we shall be glad to be apprised of

Hon. Mr. Read.

the fact, as we should like to make you a proposition for further quantity.

“Yours, respectfully,

“(Signed),

“PERKINS, LIVINGSTON, POST & CO.

“HON. A. MACKENZIE,

“Minister of Public Works,

“Ottawa.”

“OTTAWA, 22nd July, 1875.

“SIR,—I send you an extract from a letter received from Messrs. Glyn, Mills, Currie & Co., of London, England, dated 4th inst., viz:—

“Messrs. Guest & Co., of this city, deposited with us, in compliance with the terms of contract into which they have entered with the Department of Public Works of Canada, for the supply of 10,000 tons of steel rails, &c., bond of the Funded Loan (5 per cent.) of the United States of America, for \$25,000, which we hold on account of the Dominion Government. These gentlemen state they reserve to themselves the right of the interest on these securities. We shall therefore feel obliged if you will inform us whether these securities are considered by you as satisfactory, and whether we may account to Guest & Co. for the dividends thereon, as they become due. Be so good as to advise what reply is to be made to Glyn, Mills, Currie & Co.”

“I am Sir,

“Your obedient servant

“(Signed) T. D. HARRINGTON,

“Deputy Receiver-General.

“F. BRAUN, Secretary.

“Public Works Department,

“Ottawa.”

To which the following reply was sent:—

“OTTAWA, 26th February 1875.

“SIR,—In reply to your communication of the 22nd inst., relative to the \$25,000 deposited with Messrs. Glyn, Mills, Currie & Co., London, on behalf of this Government, by Messrs. Guest & Co., contractors for the supply of steel rails, being security for the due fulfilment of their contract, and asking if the dividends accruing on said security can be paid to Messrs. Guest & Co., they having reserved themselves said right on making this deposit. I beg to inform you that they are entitled to receive the dividends as they fall due, as long as they do not fail in fulfilling their contract. In case of any default of the contractors, the Department would have to notify Messrs. Glyn, Mills, Currie & Co., not to pay any more of the dividends until such default is made good by the contractors. The enclosed extract from Guest & Co's. contract is transmitted for your information.”

“I have, &c.,

“(Signed),

F. BRAUN,

“Secretary.

“Hon. the Receiver-General,

“Ottawa.”

Having established the fact that one firm was compelled to give security, while

the favoured firm of Cooper, Fairman & Co., did not, let me call the attention of the House to the favoritism displayed in the freighting of these rails. Here is the correspondence:—

"LIVERPOOL, NEW YORK & PHILADELPHIA STEAMSHIP COS., No. 16 BROADWAY,  
NEW YORK, December 23rd, 1874.

"DEAR SIR,—Having learned from our Liverpool offices of the probability of the shipment of a large quantity of rails during next summer for the Canadian Pacific Railway, of which we are informed you are an officer, we beg to ask at what point they must be delivered, to enable us to offer a rate for carriage through from Liverpool to destination.

"Your early attention is kindly requested.  
"Yours very truly,  
(Signed), JOHN G. DALE.

"F. BRAUN Esq., Secretary,  
Public Works Department,  
Ottawa."

"OTTAWA, 5th January, 1875.

"SIR,—In reply to your communication of the 23rd ult., asking the probable destination of the rails lately purchased by the Government, in order to enable you to make offers for the carriage of same, I beg to inform you that the places of delivery will be Montreal and Vancouver Island

"I have, &c.,  
(Signed), F. BRAUN,  
Secretary.

"JOHN G. DALE, Esq.,  
New York, U.S."

Having treated those applicants in this manner, they then give the freighting of the rails to Cooper, Fairman & Co. without tender. I have been in the freighting business myself, as many gentlemen here have been, and we all know that freights vary, being at one time high, and at another time low. I hold it was the duty of the Government to have called for tenders under such circumstances, but there was apparently a little job in the transportation of the rails, as there was in the purchase of them. Tenders were asked for for the transportation of 5,000 tons of rails from Montreal to Duluth. In response to that advertisement we find several tenders were put in:—

TENDERS for Transport of Rails to Lake Superior.	Per Ton.
Charles Stephenson, Kingston.....	\$6 50
C. Edwards, Kingston.....	6 25
J. H. Beatty & Co., Thorold.....	7 00
Holcomb & Stewart, Kingston.....	6 74
W. H. Perry, Buffalo.....	7 00
G. E. Jacques & Co., Montreal.....	6 30

Hon. Mr. Recul.

Cox & Green, Montreal.....	6 50
E. Samuel, Montreal.....	6 00

Opened by,

"(Signed) F. BRAUN, Secretary.  
F. H. ENNIS.

"DEPARTMENT OF PUBLIC WORKS,  
"OTTAWA, 20th April, 1875.

"By Cooper, Fairman & Co's tender, No. 8047, of 14th Nov., 1875, endorsed 1st Feb., 1875, the difference in price of rails delivered at Montreal, or delivered at Duluth or French River, is \$5.60 per ton.

"Mr. E. Samuel having withdrawn his tender (see telegram dated May 12th, 1875), the offer by Cooper, Fairman & Co. to carry for \$6.20, authorized by account 8760, is lowest."

Do you find among these tenders Cooper, Fairman & Co.? There is no mention of them. They thought they had got enough already, and they did not suppose they had such warm and zealous friends in the Government who were looking after their interests and furnishing them with whatever pickings were going. We find the Premier sending them the following telegram:—

"OTTAWA, 28th April, 1875.

"Minister of Public Works would be glad to see you respecting carriage of steel rails westward.

"(Signed), F. BRAUN,  
Secretary."

"COOPER, FAIRMAN & Co.,  
Montreal

"Come up here gentlemen! Here's twelve thousand dollars for you!" That is what this communication means. "You have been remiss, you have not been looking out for your own interests." Mr. E. Samuel had tendered for the transportation of the rails. The following telegrams will show the nature of his tender:—

"OTTAWA, 27th April, 1875.

"By Telegraph from Montreal to F. Braun, Esq., Secretary.

"Are you open to more than the quantity named in my tender; if so, please name the quantity of rails you desire carried on same terms.

"(Signed), E. SAMUEL."

"OTTAWA, 26th April 1875.

"By Telegraph from Montreal to F. Braun, Esq.

"Offer as surety D. Butters & Co., merchants; if more required can furnish security to any amount; guarantee to ship by first class propeller. Answer.

"(Signed), E. SAMUEL."

This tender was the lowest but the Minister of Public Works by a subterfuge puts him off in this way. The following Order-in-Council is passed on the tenders:—

"Copy of a Report of a Committee of the

Honorable the Privy Council, approved by his Excellency the Governor-General in Council on the 30th April, 1875:

"On a report dated 29th April, 1875, from the Honorable the Minister of Public Works, stating that proposals have been invited for the transport of 5,000 tons of steel rails and fastenings from Montreal to Fort William or Duluth, Lake Superior, during the season of 1875 the price to include all cost of handling, piling, insurance and charges at all points, and that the undermentioned tenders have been received, viz:—

1st. E. Samuel, Montreal.....	\$6.00 per ton
2nd. C. Edward, Kingston.....	6.25 "
3rd. G. E. Jacques & Co., Montreal.	6.30 "
4th. Chs. Stephenson, Montreal..	6.50 "
5th. Cox & Green, Montreal.....	6.50 "
6th. Holcomb & Steward, Kingston	6.74 "
7th. J. H. Beatty & Co., Thorold.	7.00 "
8th. W. H. Perry, Buffalo.....	7.00 "

"That in a tender made in November last, for the supply of steel rails, Messrs. Cooper, Fairman & Co., agents, stated the difference in price for delivering those rails in Montreal or Duluth and French River, would be \$5.60 per ton, exclusive of any harbor or wharfage dues at the ports named;

"That those gentlemen now offer on behalf of the Merchant's Lake and Steamship Line (consisting of eighteen first class propellers) for an additional sum of not more than sixty cents per ton to the price of \$5.60 asked in their tender of November last, or say a total sum of \$6.20 per ton, to undertake the transport of 5,000 tons of rails from Montreal to Fort William or Duluth, and to assume all cost of handling, piling, insurance and charges as required by the advertisement.

"That Mr. E. Samuel, who is the lowest bidder on the list given above is not a steam-boat owner;

"The Minister therefore recommends that the offer of Messrs. Cooper, Fairman & Co. be accepted.

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

"Certified,

"(Signed), W. A. HIMSWORTH,  
"Clerk Privy Council.

"To the Hon.

"The Minister of Public Works,  
" &c., &c., &c."

On the same day Mr. Samuels telegraphs as follows:—

"OTTAWA, 29th April, 1875.

"By Telegraph from Montreal to T. Trudeau, Dep. Min. Board of Public Works:

"Your early reply to my tender will oblige, so as to regulate movements of propellers pending arrival of rails. Security and propellers will be made satisfactory to you.

"(Signed), E. SAMUEL"

The reply was the following telegraph:—

"OTTAWA, 5th May, 1875.

"SIR.—Referring to your telegram of the  
Hon. Mr. Read.

29th instant, relative to your tender for the transport of steel rails westward, I am to inform you that the Minister of Public Works has made other arrangements for this service.

"I have, &c.,

"(Signed) F. BRAUN,  
Secretary."

"F. SAMUEL, Esq., &c., &c.,  
Montreal."

For some unaccountable reason, seven days after the above was received, Mr. Samuel sent the following to the office of the Board of Works:—

"OTTAWA, 12th May, 1875.

"By Telegraph from Montreal to F. Braun,  
Secretary B. of P. W.

"SIR,—For reasons unnecessary to state, I beg to withdraw my tender for transport of railway iron for Lake Superior ports.

"(Signed) E. SAMUEL"

Mr. Samuel having been completely got rid of by this subterfuge, we find the Premier notifies Cooper, Fairman & Co.:

"OTTAWA, 13th May, 1875.

"The carriage of five thousand tons (5,000) of steel rails and accessories, from Montreal to Duluth or Fort William, for six dollars and twenty cents, including all charges, is awarded to you. A contract will be prepared.

"(Signed) F. BRAUN,  
Secretary."

"COOPER, FAIRMAN & Co.,  
Montreal."

By this it will be seen that Cooper, Fairman & Co. got the contract at 20 cents per ton more than Samuels offered to transport them for. It does not appear much per ton, but we find they make a handsome profit out of it—\$12,000. That would have been all right if there were not others lower.

"OTTAWA, ONT., November 14th, 1874.

"DEAR SIR—Should the Government prefer to have these rails delivered at the following points: Duluth, Fort William and Georgian Bay, instead of Montreal, we can deliver them at Duluth or Georgian Bay at \$4 per ton additional, and at Fort William at \$4.75 additional, conditional as to the delivery at points named, that there be a sufficient depth of water for vessels to go thereto, and that the consignees are to unload. Not knowing if it is the intention of the Government to insure the various cargoes on the lakes, we have not included the lake insurances on the inland freights, \$4 and \$4.75, which would be about 16 cents per ton.

"Your obedient servants,

"(Signed),

"PERKINS, LIVINGSTON, POST & Co.,  
Agents of Guest & Co.

"The Minister of Public Works."

" 13 & 15 HOSPITAL STREET,  
MONTREAL, 17th Dec. 1874.

" DEAR SIR,—Referring to ours of the 7th instant, we would esteem it a favor if you would kindly reply to enquiries we then made, which were as follows:—1st. The latest date at which it is necessary that the draft of the contract for steel rails should be returned duly signed; 2nd. Particulars of the modifications proposed on Sandberg's Standard.

" Our reasons for troubling you on these points we explained in ours of the 7th instant. We notice that a portion of the rails purchased by the Government are intended for delivery on Lake Superior, the Government allowing an extra \$5 per ton for this purpose. Should you wish us to deliver our 5,000 tons at that point, we should be glad to hear of this wish as soon as possible, to enable us to make the necessary arrangements for forwarding the rails from Montreal to Lake Superior.

" Apologising for thus troubling you.

" We are dear Sir,  
" Yours truly,

" (Signed), COX & GREEN.

" F. BRAUN, Esq., Secretary  
Department of Public Works,  
" Ottawa.

Both these parties supplied 10,000 tons each. It will be seen by the following letter that while Norris & Neelon and others received five dollars per ton, Cooper, Fairman & Co., got the balance for doing nothing comparatively. In this case there were rings inside of rings, but the public had to pay the piper.

" HAMILTON, Ont., 22nd June, 1875.

" DEAR SIR,—In accordance to your advertisement for tenders to freight 5,000 tons steel rails from Montreal to Duluth, with Messrs. Norris & Neelon of St. Catharines, we authorized Messrs. G. E. Jacques & Co., Montreal, to tender on our account and which tender was accepted. Our propeller 'Lake Ontario' loaded and delivered at Duluth, on 2nd June, 1,084 steel rails, and 960 boxes fish plates weighing 290 tons, 17cwt., 2qrs. 1lb @ \$5=\$1,454.25; we were informed our freight would be paid by you in Ottawa, and we request you will retain said amount in your hands. The Purser of the boat holds a receipt for above, but as he made the first trip we are not certain if your proper agent granted it or not. The 'Lake Ontario' is again on her way up to Duluth with 1,555 rails and 133 boxes or cases of bolts, weighing 392 tons., 9cwt., 2qrs. @ \$5=\$1,962.37. We will be glad to hear from you that after unloading above we will be able to get our freight on the two loads. He will proceed to Ottawa on his return, and we trust you will be kind enough to settle for same.

" I remain, Yours truly,

" (Signed). CHAS. JAS. HOPE,

" Manager, Lake and River Steamship Co.  
" F. BRAUN, Esq., Secretary,  
" Department of Public Works,  
" Ottawa."  
Hon. Mr. Read.

" OTTAWA, 10th June, 1876.

" GENTLEMEN,—I beg to acknowledge the receipt of your letter of this day's date, offering on behalf of the Merchants' Lake and River Line of Steamers to carry from ten to twenty thousand tons of steel rails on the same terms and conditions as former contract—namely, at six dollars and twenty cents currency per gross ton for Duluth and Fort William, on Lake Superior, which rate includes piling at port of delivery and insurance, and to inform you that the Department accepts your offer for five thousand tons (5,000).

" I have, &c.,

" (Signed), F. BRAUN,

" Secretary.

" Messrs. COOPER, FAIRMAN & Co.,  
" Montreal."

This is an additional lot, without tenders. They being called for next year they were carried from Montreal at \$4.50 per ton, and from Kingston for from 2.75 to 3.50 per ton. As regards the bolts and nuts for which so large a sum was paid Cooper, Fairman & Co., above others tenders, it may be attempted to show that Darling and others were not to pay duty; let us see what is the case with Cooper, Fairman & Co. :—

" MONTREAL, July 29th, 1875.

" DEAR SIR,—We beg as Agents for "The Patent Bolt and Nut Co.," of Birmingham, England, to supply the Government with the necessary iron fish bolts and nuts to lay 20,000 tons of steel rails on a railway track subject to "Sandberg's" inspection before leaving the works, to be delivered in bond in Montreal as per prices accepted and mentioned in your letter to us on this subject, dated February 18th, in (\$101) one hundred and one dollar portion. These are for the Mersey's steel rails.

" We are, dear Sir,

" Your obedient servants,

" (Signed), COOPER FAIRMAN & Co."

" To the Honorable  
The Minister of Public Works,  
Ottawa."

" OTTAWA, 18th February, 1875.

" GENTLEMEN,—The supply of bolts and nuts required in connection with the contract of the Mersey Steel and Iron Co., for 20,000 tons of steel rails required by the Government of Canada, having been omitted from the contract, I am to acquaint you for the information of said Company, that their tender for the same at \$101 per ton, delivered at Montreal at the same time as the rails, is accepted.

" I have, &c.,

" (Signed),

F. BRAUN,  
Secretary."

" Messrs. COOPER, FAIRMAN & Co.,  
Montreal.

Then a little further as regards bolts and nuts for British Columbia :—

" MONTREAL, 2nd March, 1875.

" DEAR SIR,—We beg to quote for bolts and nuts for the 5,000 tons rails for Vancouver's Island to be supplied by us to Sandberg's section at (£19 10s.) nineteen pounds ten shillings per gross ton, f. o. b., Liverpool, the said bolts to stand Sandberg's test, and to be paid for by the financial agents of the Canadian Government in London, upon presentation of invoice bills of lading and inspection certificate; deliveries to be made in March, April and May of this year.

" We are, dear sir,

" Yours truly,

" The Patent Bolt and Nut Co.,

" per FAIRMAN & Co.,

" Agents.

" F. BRAUN, Esq., Secretary,

" Department of Public Works,

" Ottawa."

This offer was accepted in the face of this letter:—

" 13 & 15 HOSPITAL STREET,

" MONTREAL, February 19th, 1875.

" DEAR SIR,—Your esteemed favor of the 18th is received, to which we hasten to reply. You are quite correct about the price for bolts and nuts, as quoted in ours of November 30th, viz.: £20 sterling in bond delivered at Montreal; but we are under the impression that the contract, of which all three copies are at present in England, named a price in currency, which included duty, and it was therefore, with a view to make a clean job of the matter, and relieve the Government of the additional business of attending to the matter of expense of duty that the quotation was put that shape, as we supposed from the way the contract stated the amount, that it was the desire of the Government of the Dominion to have the matter of the paying duty included, and, as it were, off their hands.

" We are quite prepared, however, if you do desire to have the price made £19 sterling per ton, f. o. b. at Workington, leaving out the matter of duty altogether, and to have that price inserted in the contract.

" Trusting this will be entirely satisfactory.

" We are, dear Sir,

" Yours truly,

" (Signed), COX & GREEN.

" F. BRAUN, Esq., Secretary,

" Department of Public Works,

" Ottawa."

Is it any wonder that uneasiness prevails about the public expenditure, when we see the large sums paid to friends, and to all appearances, relatives of the Premier. Here is a list of the amounts paid Cooper, Fairman & Co., which amounts to \$1,561,792.15, as far as we have information, and is made up of the following items:—

About 20,000 tons steel rails.....	\$1,128,737.35
5,000 tons steel rails.....	265,052.36
Spikes, bolts, and nuts.....	8,530.00

Hon. Mr. Read.

160 tons bolts and nuts.....	16,160.00
73 tons bolts and nuts.....	6,800.69
Spikes, bolts, and nuts.....	17,922.51
Transportation of rails, etc., to Vancouver's Island.....	51,462.96
Transportation of about 10,000 tons rails, etc., from Montreal to Lake Superior.....	67,126.28

Total.....\$1,561,792.15

The rails being at Duluth, let us see what became of them afterwards. From this correspondence it will be seen that no tenders were asked for the transportation to Fort Garry, nor was the lowest offer taken sent in reply to advertisements, and when we see that \$206,171.33 was paid for this service, we cannot wonder that, last year the Kittson Company were able to divide eighty per cent. upon their stock. It is well known that certain members supporting the Government in the Commons, are deeply interested in that line.

" OFFICE OF THE

RED RIVER TRANSPORTATION Co.,

No. 92, Third Street,

St. Paul, Minn., 21st April, 1875.

" SIR,—I hereby offer to transport railroad iron, chairs, fish-bars, spikes and other material for track, from Duluth, Minnesota, to Winnipeg, Manitoba, or any point on the Red River between Pembina and Winnipeg, at rate of \$15.00 U. S. currency per ton of 2,000 lbs.; and I further offer that in case the channel of the Red River at the rapids at St. Andrews, between Winnipeg and the Stone Fort, is improved so as to make a channel of sixty feet in width, free from rocks and boulders, so as to enable boats and barges to pass with ordinary safety, to make the same rate, namely:—\$15.00 per ton from Duluth to the point of crossing of the Canadian Pacific Railway, north of said Stone Fort, or in case the said rapids are not improved, I will allow the barges loaded with such material to be run down to said crossing, provided that the Canadian Government will receipt for the material at Winnipeg, and will assume all risk of danger of navigation arising from said rapids on down trip to both boat and cargo.

" The above rate to hold good and be in force during the season of navigation on the Red River, as long as there is two feet of water on the rapids and shoals in said river.

" This offer includes all labor in handling above material from the dock at Duluth, to the bank of the river at point of delivery.

" Very respectfully,

" Your obedient servant,

" (Signed) N. W. KITTSON,  
" General Manager.

" To the HON. ALEX. MACKENZIE,

" Minister of Public Works,

" Ottawa."

" [Note.]—Write and say Mr. Hill's offer

covered all wharfage or other charges at Duluth, and ask that this be also put in writing. A. M."

"HAMILTON, 16th April, 1875.

"SIR,—Noticing your advertisement for tenders to transport steel rails and fastenings to Fort William or Duluth,—

"We have the honor to state that if the Government to take railroad materials to Manitoba via Duluth, we are prepared to carry the steel rails and fastenings required for the Pembina Branch, and for the section of the Canadian Pacific Railway from the crossing of Red River to Lake of the Woods, during the present and ensuing summer, at the following rates (American currency) delivered over the rail, viz:—

"From Duluth to any point on Red River between the Boundary line and Fort Garry, for thirteen dollars and fifty cents, (\$13.50) per ton.

"From Duluth to the crossing of the Canadian Pacific Railway over Red River, for the sum of fifteen dollars (\$15 00) per ton.

"In either case no custom fees or dues to be charged to us on entering Manitoba.

"Provided the Government obtain permission from the American Government to transport the same through their territory without bonds or on our own personal bond.

"Payments to be made at the rate of ninety per cent on delivery, and that we be informed of the acceptance of this tender on or before the fifth day of March next.

"Our address will be, "Fort Garry" after the 30th inst.

"We have the honor to be, Sir,  
"Your obedient Servants.

"(Signed), FULLER & MILNE."

"F. BRAUN, Esq., Secretary,  
Public Works Department,  
Ottawa."

"OFFICE OF THE  
RED RIVER TRANSPORTATION Co.,  
No. 92, Third Street, St. Paul, Minn.  
27th May, 1875.

"Sir,—I have the honor to acknowledge the receipt of your favor of May.

"The conditions contained in your communication are all in accordance with the proposition which I had the honor to make on the 21st April and 8th inst., for the transport of rails and other materials to Manitoba. Preparations will at once be made for moving the rails with as little delay as possible, after their arrival at Duluth, so that as large a proportion as practicable can be delivered before the season of low water. You will please indicate to me in due time the point of delivery and the name of the agent for the Government who will receive the rails in Manitoba.

"Allow me to bring to the notice of the Honorable the Minister of Public Works, that no  
Hon. Mr. Read.

mention has been made of the time of payment. I presume the usual mode would not be objectionable—that is, payments to be made as fast as our boats deliver the rails at the point of destination. Will you kindly inform me if this is acceptable, and if so, if any particular form of certificate will be required to be obtained by me from the agent at Manitoba, as a satisfactory voucher to be paid on presentation.

"The Northern Pacific Railway Company will receive the rails on arrival at Duluth.

"I have the honor to be,  
"Very respectfully,  
"Your, obedient servant,  
"(Signed),  
"N. W. KITTSOON,  
"General Manager R. R. T. Co."

"F. BRAUN, Esq., Secretary,  
"Department of Public Works,  
"Ottawa."

What with the difference in price, and the difference in the weight of the ton, as one was the usual 2,240 lbs. per ton, while the higher price, Kittson & Co., was for 2,000 lbs. per ton, the country lost in this transaction \$3.30 per ton, amounting to nearly fifty thousand dollars. There is another expenditure for which, I think, we have not got much benefit; I refer to the Georgian Bay Branch Railway. A contract was given for that before a survey was made, and a line was located through a country presenting almost insurmountable difficulties. Subsequent surveys have proved that some twenty miles north of that line a practical route could have been found. On the line where the Government selected, it was from 1,000 to 1,425 feet above the level of the sea, and the hills run north and south, whereas the road ran east and west. On a route subsequently surveyed, we find the land is from 396 to 654 feet above the level of the sea; this is near the Ottawa and French Rivers, about twenty miles north of the Foster line. It is hardly necessary to refer to the circumstances in connection with that contract, because it is painful to refer to those things, as they lead to very unpleasant recollections, and point directly to the utter disregard of the public interest when that contract was given to Mr. Foster.

Now, I say that the First Minister is called upon to justify himself to the country, and say why he let this contract in the face of the law, and contrary to law, ignoring all its provisions, and treating Parliament as if they were his creatures instead of being what Parlia-

ment always ought to be, the masters of the Government of the day. Parliament always should hold the position of requiring the Government to fulfil the law, or vacate the position which such non-fulfilment shows that they are not worthy to fill; and I say that the hon. gentleman has to justify himself to the country, under these circumstances, for making this enormous contract with Mr. Foster, and making a contract to build a line of railway which they did not know the length of, within 20 miles, at the time; and upon which no survey had been made, and concerning which no estimate had been prepared. The hon. gentleman has violated the law if he has built this work under the Public Work's Act. What does this Act say? It declares that:

"It shall be the duty of the Chief Engineer to prepare maps, plans and estimates for all public works, which are about to be constructed or repaired by the Department."

And yet without a plan, without an estimate, without anything whatever, without even a recommendation from the Chief Engineer, this work is entered upon; and that without a survey, without the slightest means being taken to ascertain what ought to be done with reference to a work which was considered of such vital importance, that it must be rushed through without Parliament having permission to pass on the contract at all. It was thus undertaken, and a binding contract made by the Government. Well, that law also was violated; and where are we to-day? Why, to-day we are told that \$41,000 of public money have been paid. Why paid? How paid? Upon a certificate of the Chief Engineer? The hon. gentleman has never received such a certificate. The Chief Engineer of the Canadian Pacific Railway never signed a certificate for a dollar of this \$41,000; and, it was not only paid without such a certificate, but also without proper vouchers. Read the document that was brought down in relation to this matter! Let the attention of this House be drawn for a moment to the paper—the extraordinary paper in connection with this most extraordinary contract, and what will it show? Why, it will show that we have \$41,000 paid on the Georgian Bay contract. It will show, that we have the contract cancelled; and, this most extraordinary document will show the mode in which the public work is

*Hon. Mr. Read.*

carried on. On November 27th, Mr. Foster says:—

"We will have the profile of the Canada Central Railway in readiness to submit to the Department in the course of three or four weeks, and the remainder to French River in about two months."

On the 20th December he asks for important modifications. On December 23rd, Mr. Fleming advises an extension of time for one year, and that the substitution of 26 miles of navigation would be reasonable. On the 8th February Mr. Foster says that his total outlay amounted to \$63,000. On the 9th February, Mr. Fleming says:—

"That the proportion payable on an expenditure of \$38,864 would be \$9,716, less 15 per cent to be retained under the 9th section of the contract."

One would suppose that the Government would respect a declaration of that kind from the Chief Engineer, but it appears that this was not the case. It seems that the hon. Minister of Public Works, as I stated before, delights in showing Parliament that he recognizes no authority here or anywhere else, and that anything contained in the Statute-book, or any respect for Parliament, is not worth a moment's consideration. On the 23th of February, a Minute of Council was passed on the recommendation of the Minister of Public Works, advising that this contract be cancelled, and that the \$83,000 which the law required should be deposited as a security for the fulfilment of the contract, should be returned. This deposit belonged to the people of Canada, and it ought not to have been returned without the sanction of Parliament to Mr. Foster. That Minute of Council said that:—

"The amount claimed by Mr. Foster to the 1st instant is \$38 862.28, \$20,000 of which may be safely paid."

On the 28th of April Mr. Fleming says:—

"I find by the accounts furnished by Mr. Foster, that there are only receipts for about \$20,000. Accordingly, I would advise that he be called upon to furnish complete vouchers, and that the whole be placed in the Audit Department for examination."

I think that this was a very reasonable and very practical suggestion, and in this, the House will quite agree with me. But instead of that being done; instead of the suggestion of the Chief Engineer being carried out—although the First

Minister is so ready to fall back on that gentleman to support himself whenever he can do so—it appears it was treated with contempt, and the answer is an Order-in-Council, dated the 6th May, recommending the payment of \$36,838.15 and that the balance on the \$50,996, the total sum claimed, be paid on the production of vouchers, and this was done, although Mr. Fleming had shown that only \$9,716, less 15 per cent, could be paid under the contract.

“The proportion, therefore, payable on an expenditure of \$38,864.28 would be \$9,716.07 less 15 per cent. to be retained under the 9th section of the contract.”

The difficulty of readily finding these three statements is, that the return is put together in the most extraordinary manner: one half is backwards, and the other half, I was going to say, is upside-down. In the Order-of-Council, of the 28th April, Mr. Fleming says:—

“I find of the accounts furnished by Mr. Foster, there are only receipts for about \$20,000. Accordingly, I would advise that he be called upon to furnish complete vouchers, and that the whole be placed in the Audit Department for examination.”

On the 6th of May, a few days afterwards, without any such audit, the Minister of Public Works recommends that \$36,838.15 be paid, deducting the sum of \$20,000 already paid. Subsequently, as is shown by the Public Accounts, he was paid \$109,000, besides his deposits, \$41,000, for useless surveys, and \$68,000 for iron rails that are now rusting away. These iron rails were shown to be of the most worthless character. The Government paid him \$48 per ton, and afterwards allowed him to take away, for his own use, 227 tons, without any security. He might have taken more for all the good they are to the country, or even will be, but for old iron. Steel rails can now be bought for about \$33 per ton, delivered here. Then we have the Fort Francis Lock. I am not a member of the committee investigating that matter, and, consequently, I have a perfect right to express my opinions on the subject. The hon. Senator from Toronto (Mr. Brown) said the expenditure on that work was only \$185,000—quite an insignificant sum. I was present when Mr. Mortimer was giving his evidence before the committee, and I heard him state that after the lock was completed, and after an

*Hon. Mr. Read.*

expenditure of \$350,000 more upon that route, it might be possible to carry ten tons of freight a day by that route. This was also confirmed by Mr. Dawson. Mr. Mackenzie informed us, when this work was undertaken, that the intention was only to construct two cheap wooden locks. The Public Accounts show that \$185,000 have been expended already, and we have not got the lock yet. The hon. the Secretary of State, tells us it may be necessary for carrying lumber, but the Engineer informs us that the Government wanted timber 12 × 12, and they must get it somewhere else. Therefore, I think very little lumber will be got there. The fact is, the Premier, without thinking, rushed recklessly into this expenditure, and then when he discovered his mistake, he was so self-sufficient that he would not abandon a useless work. I have already stated that I heard the evidence of Mr. Mortimer in the Committee the other day.

Hon. Mr. PENNY—The hon gentleman is alluding to something that the House is not in possession of.

Hon. Mr. READ—If the hon. gentleman would attend the meetings of the Committee, he would hear the evidence himself.

Hon. Mr. PENNY—I am not under an obligation to be there, and hear the evidence. I think it is quite irregular that these references should be made to a matter which is not before the House.

Hon. M. READ—As I stated, I am not discussing the report which the Committee is to submit to the House. I merely wish to give my opinions upon this matter, and tell the House what I heard, and what any other member could have heard, if he had taken the trouble to attend the meetings of the Committee.

Hon. Mr. PENNY—I wish to call attention to the fact that evidence taken before a committee should not be disclosed by anybody. It is a breach of privilege to do so, or to allude to it in the House before the report is presented. I would like to have the decision of the Speaker on this point.

Hon. Mr. McLELAN—Mr. Mortimer in his report published last year stated that not more than six tons could be carried over that route. This appears in a

bound volume which is in the possession of the House.

Hon. Mr. READ—I will try not to refer to the evidence which is being taken before the committee this Session; but I think we can draw the deduction from the evidence the House is possessed of, that the Fort Francis Lock was an unfortunate undertaking; that the Government entered upon it without a survey, and without ever knowing what it was going to cost. Men were put to work long before an engineer was sent up there, and before a plan was prepared, or an estimate made of what the cost would be. We know when the work was commenced May 11th, a letter was sent to Mr. Sutherland, signed by Mr. Braun, stating:

“When you reach Fort William you will see Mr. Walter Oliver, and, if he has finished the work entrusted to him, he will accompany you to assist in taking charge of the men. Mr. James Macdonald and Mr. Oliver will act as foremen under you, either in the woods or at the works, as you may deem desirable.”

Would it be supposed that, under such circumstances as those, the work of excavation should have been ordered by the hon. the Minister of Public Works on the 11th May? On the 18th April, 1876, nearly a year afterwards, Mr. Braun wrote to Mr. Sutherland:—

“SIR,—I am directed to forward you herewith a copy of plan of lock at Fort Francis, prepared by Mr. Page, which has been approved of by the Minister. I am to authorize you to resume work on the said lock by day labour, and to request that you will submit to the Department an estimate of the probable monthly expenditure for the next twelve months.”

This letter was sent, although the work had been commenced nearly a year before under the direction of the Minister of Public Works. And yet the hon. gentleman would insinuate that I was not doing justice to these statements, because I did not read them in detail. We at last get something practical. It is the report signed by Mr. Baillaige, who had been instructed on the 30th August to proceed to Fort Francis. Mr. Baillaige said in effect that all the money had been thrown away, and that the work was practically useless unless a great deal more money was spent upon it, and showed that the work had proved an utter delusion. He said:—

“The object for which the Fort Francis Canal is being constructed cannot be obtained  
*Hon. Mr. McLelan.*”

unless Rainy River is improved so as to ensure the requisite draft, and the ascent of vessels against the current in the rapid.”

He goes on to speak of the mode of improvement, and says:—

“No definite scheme or estimate can, however, be submitted, unless the necessary levels, soundings, and measurements are taken along the entire line of the proposed navigation.”

It is thus shown that about a year after this work was in progress, an Engineer of the Public Works Department was sent up to the locality and found the Government had not taken the first preliminary step required to be taken before the money was expended. But he gave on 1st September, 1876, a very remarkable statement. He said:

“SIR,—Having been instructed on the 3rd ult., by the Honorable the Minister of Public Works to examine the Fort Francis Canal, now under your charge, and to give such directions as I may deem advisable, I herewith enclose for your guidance a specification of the work to be done, according to the revised plan with which you have lately been furnished.

“This plan was prepared on somewhat limited information, and is based on the high and low water levels originally observed by the engineer who first laid out the work; the low water levels have since been found to be fourteen inches lower at the lower end than represented on the plan. I have, therefore, appended to the specification a list of levels, showing the elevation of the main portions of the work, so as to suit the highest and lowest water levels observed up to the present time.”

So we have, in regard to this work upon which the excavations were commenced on 11th May, 1875, a statement made by Mr. Baillaige on 1st September, 1876, that they were mistaken as to the first principles and initial steps necessary to the very inception of the work. Mr. Baillaige continues:

“As it is important to ascertain the extent and nature of the obstructions, and the cost of removing or overcoming the same, you are hereby requested to examine the sections of the channel referred to, and such other points as may appear doubtful, during the season of low water, and to furnish the Department with a report thereon, together with an estimate of the probable cost of improving the channel for the required draught from Rainy Lake to the Lake of the Woods.”

I hope I have satisfied the hon. the Minister of Public Works, and in reading the text of this remarkable document, I have given the House the best evidence that the work was undertaken without any knowledge of the subject, and after \$100,000, were expended, an

engineer was sent to investigate and report on the work, showing in the most conclusive manner, that the information which the hon. the Minister of Public Works was bound to have obtained before entering upon the undertaking, was not fully obtained until one year and a half after the work was commenced; and, in fact, a more reckless, illegal, unjustifiable expenditure of public money had never been made by any person in this country. In the report of the hon. the Minister of Public Works, on page 26, what do we find? We find that at this place where Fort Francis Lock is being constructed with seven feet of water on the sills, for forty miles there is a depth of only four feet and a half; yet the public money is used without plans, specifications, or authority of the Chief Engineer; or without any recommendation under which one dollar could be expended, and the hon. gentleman makes an expenditure of \$100,000, which, unless followed up by an expenditure of half a million more, will not accomplish the object proposed. But, suppose the works would be completed, what then? Does any one suppose that with a railway from Duluth to Red River, a single ton of freight would be carried by that route? As regards the transportation of rails by this route there would be eight portages, involving sixteen times loading and unloading, putting the rails into waggons and taking them out again; and the most insane Minister of Public Works would not undertake to transport one ton of heavy freight of any description by any such line. Yet, the hon. gentleman adhered to the policy he had presented before he had undertaken to construct a direct line from Thunder Bay to Red River, and went on with this expenditure. But about the Kaministiquia land purchase. I have no doubt it was a capital speculation for the owners of the land. The hon. Senator from Hamilton thinks it is a delirious lightful speculation when a thousand dollars per acre was paid for land at the deep water terminus of the Pacific Railway on Lake Superior.

Hon. Mr. SCOTT—Five hundred dollars an acre.

Hon. Mr. READ—I am speaking of what the hon. Senator from Hamilton

*Hon. Mr. Read.*

(Mr. Hope) said. I recollect his words very well. He said it was cheap at a thousand dollars an acre.

Hon. Mr. HOPE—I said the late Government had paid \$3,000 an acre for the terminus at the town of Miramichi.

Hon. Mr. READ—The hon. gentleman thought \$1,000 an acre for land in a wilderness was marvelously cheap, since the late Government paid \$3,000 for land in a large town. The country had to pay \$67,150 for that land on the Kaministiquia River, Lake Superior.

Hon. Mr. SCOTT—The land purchased was one hundred and ten acres.

Hon. Mr. AIKINS—That includes twenty acres for streets.

Hon. Mr. PENNY—It was so much the more valuable.

Hon. Mr. READ—Streets on paper. At all events, we got the terminus. The Government paid \$67,150 for it, and I hope they are satisfied. I am sure their friends are, who got the money. I find, among the items of expenditure on the Pacific Railway is one of "Miscellaneous payments, \$218,553;" nothing is said of what it is for. It will be found at page 383 of Mr. Fleming's report. Now, let us turn to the Intercolonial Railway. There we will find they are getting rid of the steel rails. They had to send them somewhere, and I must say they are better in use than rusting away. I find, however, that in order to dispose of these rails, good rails have been taken up on the Intercolonial railway, and there is now a fight for the possession of them. They may not be used for the purpose of bribing constituencies, but I can read what I heard in another place. I heard Mr. Ferris say, "I told Mr. Mackenzie if I did not get the rails I would vote against him." When charged with it, he did not deny it; and I am informed that the line for which these rails had been obtained is not even surveyed yet. This is the manner in which the Government secured uncertain voters. I find they have \$190,000 worth of good rails taken up from the Intercolonial Railway track, and they are holding them out as bait to uncertain constituencies. The purchase of the steel rails was an important one, and there are unfortunate circumstances connected with them. I would not speak so strongly upon this

question, if the evidence did not force me to the conclusion that, not only was the blunder committed in purchasing them, but more than one job has been perpetrated with them. This matter of the construction of the Pacific Railway has engaged the serious attention of the people of the country, and they begin to be alarmed at the transaction. I have had a gentleman, a member of this Chamber, a man of large wealth, say to me that he thought the best thing he could do was to sell his property and leave the country.

Hon. Mr. SCOTT—Hear, Hear..

Hon. Mr. READ—That gentleman was appointed by this Government. We see \$10,000,000 have been spent on this work, and we have only 47 miles of railway built—that is all we can show for this large expenditure. Only 47 miles of the 50,000 tons of the steel rails, enough to lay 550 miles, have been used, although we were told two years ago by the leader of the Government in this House, that in two years all the rails would be used. We find to-day 5,000 tons are piled up in British Columbia, and 11,000 tons have been taken to the Maritime Provinces.

Hon. Mr. SCOTT—They will all be used this year, except the 5,000 tons in British Columbia.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. AIKINS—They will have to tranship some of them. There are 14,000 tons at Fort William, and they will not be used in that section.

Hon. Mr. SCOTT—They are required in Manitoba now to finish the Pembina Branch.

Hon. Mr. READ—Here is what the Hon. Mr. Letellier said two years ago in this House: He said "he was in a position to state that the greater portion of the "rails would be used during the present "year, and the remainder next year."

Hon. Mr. SCOTT—I have no doubt Mr. Letellier thought so, but he could not control events.

Hon. Mr. READ—We find, to-day, there are only forty-seven miles laid, and we have still an enormous stock of rails on hand. I must say it is unfortunate that the Government purchased them. They did not require them, but Cooper, Fairman & Co. wanted to make some money, and the Premier's brother must have

*Hon. Mr. Read.*

his share. That is the fact of it. Denials are all very well, but when the proofs are there to the contrary, denial is useless. To make comparisons with the late Government where some of their subordinates did buy some rails at a high price, does not improve the matter. I don't charge anything against this Government except what they do themselves. I do not charge them with wrong-doing where they have untrustworthy employees. But I charge them with their own actions. The late Government built the Intercolonial Railway, and not a solitary charge could be made either against the Government of the day or the Commissioners. Already we have spent half what it cost to construct the Intercolonial Railway, and charge after charge is made against the Government and distinctly proved, of reckless extravagance and jobbery. The country may well feel anxious when they take into consideration the enormous expenditure that has already been made and the small results which have followed it.

Hon. Mr. GIRARD—In rising to second the motion of my hon. friend, I will confine myself to that portion of it which affects the Province from which I come. Anyone who has listened to the debates in this House for the past few days must admit that great blunders have been committed by the Government in connection with the Pacific Railway. When they came into power four years ago, they had the confidence of the majority of the people, and a large majority in Parliament. Even those who differed from them in opinion thought their policy would be one calculated to promote the prosperity of the country. But what do they find? Individually and collectively, the people are suffering; large deficits occur in the revenue; the greatest anxiety is felt throughout the country as to our future, and there is almost a universal desire for a change in the administration of public affairs. A few days ago the hon. Senator from Toronto (Mr. Brown) expressed an opinion that this House was not a place for such discussions as these. For my part, I believe it is our duty to discuss them, and we would be open to censure if we neglected that duty. It is from this House the people expect an impartial opinion upon public affairs, and

I believe they will accept it as such. The Pacific Railway scheme as originally conceived was, perhaps, one of the grandest enterprises of the kind, which had ever been undertaken. The intention was, to furnish means of railway communication from Ocean to Ocean, and we cannot help feeling that the failure to accomplish the great result, which was aimed at in the first place, is due to the fact that the present Government never had any desire or intention of constructing our great national highway.

Hon. Gentlemen—Hear, hear.

Hon. Mr. GIRARD—Instead of carrying out the policy announced by the late Government in 1873 in reference to this great work, they have adopted a narrow policy of muskeg and water stretches, expecting, I suppose, that they could in this way find mud to throw at their opponents. But what has happened? They are sinking, and with them they are dragging down the country, through their policy, and what would have been the pride and glory of the Dominion will, without doubt, be the shame and humiliation of the Government. I will confine my remarks to what should have been done for the Province of Manitoba and the North-West, and what has been neglected by the Government. In the debates in the House of Commons, in the Session of 1875, I find that the Premier stated:—

“One of the most important things to be looked to in opening up our North-West country, is to obtain speedy means of ingress from Lake Superior. It is felt that it is extremely difficult for us to pour a large population into that country, when the expense of transport from Fort William westward is so great, and it is deemed advisable that we should not be driven, for any length of time, to pour a tide of immigration through any portion of the United States, in order to reach our own territory.”

I think the House will admit that the policy which has been adopted has been the very reverse of this. What have they done to furnish access through our own country for emigrants to the North West? They are constructing the Fort Francis Lock, a work which will be of no use to this country; and they are building the Pembina Branch. The one will serve the people of Minnesota, and the other the people of Dakota. Manitoba will receive some advantages from it, but the Dominion, which has to fur-

Hon. Mr. Girard.

nish the money for both these works, will be injured, because the Pembina Branch will carry the trade of the North-West directly from Winnipeg to St. Paul. I do not blame the Government altogether for this, but it seems to me an understanding might have been arrived at, by which the trade of Winnipeg could be carried to Duluth, and thence *via* the Great Lakes to the Dominion. In this way the cities of Toronto, Hamilton, Montreal, and Quebec would have derived the advantages from the expenditure of this money, instead of a foreign country. We had the Dawson Route at one time. I have expressed my views with respect to that great work in this House before. The Dawson Route was a necessity at one time, for the opening up of our North-West territories. We had to deal with the Indians at that time, to make treaties with them, to win their confidence, and in that way to prevent trouble. It was under such circumstances that it was a patriotic undertaking, and I do not look upon the expenditure on that road at that time as money lost. If the North-West is of any value to the Dominion at this time, we must acknowledge that we owe it to the existence of the Dawson Route. I regret exceedingly that the Government have discontinued maintaining that Route. Instead of adopting a policy of utilizing the water stretches, it would have been better if they had kept the boats on the lakes, and maintained the road in a good state of repair. Unless something is done to it this year, it will become impassable, and the bridges will be decayed by this summer; after that the expenditure to put it in repair would be too large to justify the Government in undertaking it. The present location of the railway, from one water-stretch to another, I do not look upon as a final location of the road, and I believe the time will come when the money expended in that country up to the present time will be a dead loss to the people. At some time in the future it will be understood that we must deviate from the line actually located and adopt a route presenting fewer difficulties. It has been said that we can build the road in ten years, but I know the difficulties to be surmounted are very considerable, and require a very large expenditure of money. With respect to the Georgian Bay Branch

(if it can be considered a part of the Canadian Pacific Railway at all) I think the expenditure of \$100,000 upon it, without securing any advantage to the people, is very much to be regretted. We had easy access from the Eastern Provinces to Lake Huron without it, and the expenditure was wholly unnecessary. I think the Government will admit in that instance they committed a grievous blunder. We know the circumstances under which the contract was given—it was to reward a political supporter—but in this great national work, I contend, no political considerations should enter. I also contend that the location of the line west of Red River is a mistake. Those who have visited that locality know that seven-eighths of that country cannot be settled. The money expended upon it up to the present time has been thrown away, and not only has the country lost this money, but the settlements in the North-West have been prejudiced thereby. I will take advantage of the present discussion to show the position in which our great City of the West—our pretentious City of Winnipeg, if you like—stands. It is not a large place, but its progress has been such of late years, that we sometimes begin to think it will be a new Chicago. It seems to me the people of the whole Dominion are interested in our welfare, and especially the Government, because a great part of the revenue coming to the Dominion from the North-West is collected at Winnipeg. We say sometimes there, that it will at some day be the capital of the Dominion, but that is a matter which time will decide. At all events, I am sure that everyone in the Dominion will rejoice in the prosperity of our young city, and will be ready to sanction any course which the Government may take to promote its prosperity. In 1874, as far as can be learned from statements of members of the Government, it was their intention to run the railway in the vicinity of Winnipeg. Why they have altered that policy, I cannot tell; but, certainly, the course they are at present pursuing is calculated to ruin not only that city, but the whole Province of Manitoba. The people do not accuse the Government of having adopted this policy with the intention of injuring them, but they have suffered greatly through it, and they have received very little justice at the hands of the Government. Is it

*Hon. Mr. Girard.*

any wonder, therefore, that they are dissatisfied? It is painful for me to have to condemn the Government, because I am not here as a partizan. I would have liked to have been able to help this Government with their measures, but an injustice has been done us, and the Government seem determined not to redress it. I have from time to time called their attention to the position in which we stand. Petitions signed by a large number of the people of Manitoba have been presented in this Parliament, and a voice has come from the Executive of that Province, asking the Government to render us justice, but up to now, they have refused to do so. As it is six o'clock, I beg to move the adjournment of the debate.

The motion was agreed to.

## SECOND READINGS.

The following Bills were read the second time :—

An Act to provide that persons charged with common assault shall be competent as witnesses.

An Act to amend the Post Office Act of 1875.

An Act respecting the Maritime Court of Ontario.

An Act to amend the Act respecting conflicting claims to lands of occupants in Manitoba.

An Act further to amend the Act intitled an Act respecting Public Works of Canada.

## THE LYON DIVORCE BILL.

### THE THIRD READING POSTPONED.

Hon. Mr. KAULBACH moved the adoption of the report of the committee to whom was referred the Bill intitled An Act for the relief of Victoria Elizabeth Lyon.

Hon. Mr. CORNWALL called attention to the fact that the report stated that the committee had found the preamble of the Bill proven. As a member of the committee, he was aware that two slight amendments had been made to the preamble, which ought of course, to be noticed in the report.

Hon. Mr. SCOTT thought it exceedingly unfortunate that a report contain-

ing such repulsive testimony should be circulated broadcast through the country. When his attention had been called to the nature of the evidence in the case he had endeavoured to prevent its circulation, but it was too late. He thought some means should be adopted to prevent its going abroad.

Hon. Mr. KAULBACH said he had been authorised by the committee to ask that the circulation of the report might be prevented, and it was the intention of the Committee that it should not be printed except for the use of members.

Hon. Mr. CAMPBELL quite agreed with the hon. Secretary of State, that it would be desirable to suppress evidence of this character. He had not read it himself, but he had been informed that it was most repulsive. But as long as the Senate had to deal with such cases, the evidence must be reported to the House. The only way he could see to prevent its circulation was to furnish no copies of it except to those members of the House who asked for it. The evidence had to go to the House of Commons, and the only way he could see to prevent its circulation, was by a consultation of members of the Government and the Speakers of both Houses.

Mr. SPEAKER said, as soon as he had discovered the character of the evidence in this case, he had asked one of the clerks to order its suppression. It was found, however, on sending a note to the Keeper of the Records, that it had been distributed, not only to the Senate but the House of Commons.

Hon. Mr. MILLER could not see how this could be avoided as long as the Senate had to try those cases. The evidence must be placed in the hands of the members of both Houses, because it was on that evidence they were called upon to give their decision. The House could do nothing better than leave the evidence in the hands of the members of the Senate and House of Commons, and let them be responsible for the circulation it might obtain.

Hon. Mr. CAMPBELL — Could it not be kept until members wanted it?

Hon. Mr. MILLER — I do not see how that could be done. Some arrangement might be made, by which it would

*Hon. Mr. Scott.*

only be given personally to members.

Hon. Mr. BELLEROSE asked if the House could not prevent the publication of it in the newspapers?

Hon. Mr. MILLER said it had not appeared in any newspaper.

Hon. Mr. PENNY said the House need not be afraid that newspapers would publish such evidence. He was of the impression, however, that no evidence taken before a committee of either House should be published in the newspapers before it was reported to the House.

The item was allowed to stand until Monday.

The House adjourned at 6:15 p.m.

## THE SENATE.

*Monday, April 5<sup>th</sup>*

The SPEAKER took the chair at three o'clock p. m.

After Routine proceedings.

## THE PACIFIC RAILWAY.

### THE PEACE RIVER ROUTE.

Hon. Mr. MACDONALD (Victoria) moved:—

“That a humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, the latest Report of the Acting Engineer-in-Chief of the Pacific Railway, together with the report relating to the Peace River Country and Pine River Pass.”

He said:—When the return for which I am about to move is brought down, hon. gentlemen will be better able to understand the question of route involved in my motion. So I will briefly direct the attention of hon. gentlemen to the subject which I may hereafter bring before them. Practically, the line from Winnipeg to Yellow Head is located, but that is no good reason why it should be finally adopted, if a better line has been discovered, a line with less bridging, less cutting, and of a less expensive character generally. I find by the Report of the Chief Engineer of the Pacific Railway for 1877, that the line from Northcote to Yellow Head is of an expensive character. Battleford is a better fixed point,

and a more familiar name to honorable gentlemen than Northcote. Well then, this point, Northcote, is 338 miles east of Battleford on the located line, and here is a short description of the work from there to Yellow Head: There are about sixty bridges of an average width of from 30 to 1,000 feet, besides several deep coulees or ravines requiring embankments, culverts and bridges, averaging from 400 to 3,000 feet; also four tunnels and some heavy cutting. I am credibly informed that a line from Northcote to Pine Pass would avoid about half the difficulties above enumerated, be of a far less expensive character, besides the great advantage of passing through a rich agricultural and pastoral country, well adapted for cultivation and settlement, and crossing the Rocky Mountains at an altitude of 1,300 feet lower than Yellow Head, which in itself is a great advantage. I will refer hon. gentlemen to the reports of Mr. Selwyn and Prof. Macoun for a description of the Peace River country, and, with the permission of the House, I will read a few extracts. Mr. Selwyn, the most eminent geologist in the country, at the instance of the Dominion Government, paid two visits, I believe, to British Columbia, and during his explorations visited that portion of the Peace River country lying south-west and north-west of the Rocky Mountains, between latitude 53 and 60, and I cannot do better than let Mr. Selwyn speak for himself. In his report 1875-6, at folio 68, he sums up as follows:—

“As our exploration party was undertaken partly with a view to ascertain the character of the country in reference to the best route for the Canadian Pacific Railroad, it will, perhaps, not be out of place that I should distinctly state the conclusions that I have arrived at on this question. I am not, nor do I profess to be, conversant with railroad engineering, but from what I have myself seen, and from what I have been able to ascertain from others, respecting the route by the Leather Pass (same as Yellow Head) when compared with that (my knowledge of which is also partly from personal examination and partly from the testimony of others) by the Athabaska and Smoky Rivers, and thence by the Pine Pass by Giscome Portage to Fort George, I have no hesitation in saying that the latter route is probably in every respect the best, in the interests of the railroad and of the country at large. But whether this is so or not, there can be no doubt that this route deserves to be more carefully examined than it has hitherto been. Taking Edmonton on the Saskatchewan and Fort George on the Fraser at  
*Hon. Mr. MacDonald.*”

the initial points, it will, I believe, be found that by Pine Pass the line could not only be carried almost the whole distance through a magnificent agricultural and pastoral country, but that it would be actually shorter than the Leather Pass route, and that it would not probably present any greater engineering difficulties.”

I will now let Prof. Macoun, botanist, who visited the North-West and British Columbia, speak for himself. In the Pacific Railway report, 1877, folio 328, I find the following extracts from his reports:—

“The altitude of the district known as Pine River country, is much lower than the Saskatchewan country, not being as elevated in latitude 56 degrees, close to the Rocky Mountains, as at Edmonton, in latitude 53 degrees 32 minutes, which is 2,088 feet above the sea. Dunvegan, on the Peace River, is only about 1,000 feet above the sea. The whole country between the mountains and Athabaska and Great Slave Lakes is a gently sloping plain, being under 2,500 feet, in latitude 55 degrees. The whole country seen or heard of throughout the region in question is covered with a deep, rich soil, of wonderful fertility, free from boulders and having very few swamps or marshes. The rainfall seems to be less than that of Ontario, but this is compensated for by copious dews, which keep the grass and herbs growing all summer. The clear skies and long summer days, combined with the lowering of the temperature at night, seems to give astonishing vigor to vegetable growth, and to cause grain and seeds of all kinds to be far more prolific here than further south. At Little Slave Lake, in 1872, I found barley in stalk which had been cut on the 12th of August, while that at Edmonton, on the Saskatchewan, was not cut until the 26th. All the rivers and lakes of the district teem with fish of large size and excellent flavor. Whitefish swarm in myriads in Lake Athabaska, Little Slave Lake, and all the lakes and rivers discharging into the English or Churchill River. I was at Isle La Crosse on 22nd September, 1875, and saw potatoes still as green as in July. Here was a flour mill driven by horse power, and all kinds of grain are reported as ripening successfully. On the borders of some of these lakes I saw numerous potato fields cultivated by Chipewyan Indians, who lived altogether on fish and potatoes. I was at the forks of Athabaska on the 8th Sept., 1875, and found tomatoes, cucumbers, wheat, and barley under cultivation, together with all the vegetables found in kitchen gardens in Ontario.”

Mr. Horetzky also speaks of the Peace River country as being well suited for railway purposes, and the soil exceedingly rich and fertile. I could quote at much greater length, but I think we have enough before us to show that this portion of our country deserves the greatest consideration; and before a definite route for

the Pacific Railway is selected west of Battleford, the Government, in its own interest and that of the whole country, should order an early survey on the Peace River country and Pine River Pass.

I think I have read enough to convince hon. gentlemen that the Peace River Country is exceedingly fertile and the lakes and rivers abound with fish. Surely there is enough in those statements to justify the Government in exploring the Peace River route before committing the country to the line which has been located, and commencing work which might afterwards have to be abandoned. The report of Admiral DeHorsey on the Pacific terminus of the Railway is before the House, and hon. gentlemen can form their own opinions and draw their own conclusions from it. I have my own idea upon the subject, but lest it should be supposed I am not impartial I will not force it on hon. gentlemen.

Hon. Mr. CORNWALL—I have seconded the motion which is now before the House, but I cannot say that I quite concur in the object which the hon. gentleman who has made it, seems desirous of accomplishing. I can agree with him, and I fancy most hon. gentlemen in this House will concur in the opinion, that there is in the Peace River Valley a very large and valuable tract of what will ultimately be agricultural and farming land, but although we may acknowledge that to be the case, I can hardly agree with him in supposing it would be well to delay the construction of the Pacific Railway while surveys are being made there. The hon. gentleman expressed the proper idea when he spoke of running a branch northward. That is exactly what will ultimately take place. There will be a branch from the main line to reach this Peace River country, but the transcontinental railway must take a short and direct route across the country, but in such a line that communication with fertile sections of that country can easily be established. I am surprised that the suggestion should be made to the Government by any representative of British Columbia, to delay, for any reason, the construction of the Pacific Railway, and especially by a representative of Victoria, the largest town in the Province, and the place where the loudest complaints have been made in consequence of the de-

*Hon. Mr. Macdonald.*

lays which have thus far taken place. I can safely say that any further delay is far from the wish of any patriotic British Columbian.

Hon. Dr. CARRALL—I concur in the views expressed by the mover and the seconder of this resolution, but, at the same time, I must say the most of the remarks which fell from my hon. friend from Victoria, conveyed information which is already officially before the House. I venture to think it is possible that in asking for further delays to obtain information in addition to what we already possess, my hon. friend will afford the Government an opportunity still further to defer the commencement of the construction of the Pacific Railway in British Columbia. I do not intend to offer any extended remarks in connection with the different routes for the railroad. Every freedom has been left for the selection of the terminus on the Pacific. After an outlay of several millions of dollars, and after seven years of work, I do not think it is too much to expect that the Government ought to be in a position to declare where the terminus on the Pacific Coast shall be, and that they shall commence work upon the railway in that Province without further delay. With respect to the Peace River route, I venture to think we would be soaring a little too far north if we were to adopt it. In considering the location of the terminus of the railway, it is proper to take into account the harbors that are most available, and the country that can be most easily settled and traversed. The fertile belt follows in the direction of Pine River Pass, and the slope to the Arctic Ocean. I would call the attention of the House to the reports of Sir John Franklin, who wintered at Edmonton, of Captain Vancouver, and the works of others who have visited that country, from which it will be seen that the land in that vicinity is very fertile. One field it was alleged, had grown twenty-five consecutive crops of wheat year after year, without exhausting the soil. I believe at the foot of the Rocky Mountains to the North of Edmonton there is a vast territory that must be tapped sooner or later, and the sooner the better, but that can easily be left to individual or provincial enterprise. I only learned last night from a gentleman in high standing who had

lived in Winnipeg for many years, and now holds a very high position under the Government, and who has travelled through every country on the globe, that there lies between Edmonton and the Peace River country a belt of timbered land extending for six hundred miles, and in constructing a road by the Peace River route, it would be necessary either to pass through this or to keep well to the north before reaching the great plateau. The Peace River presents three obstacles. One is the belt of forest to which I have alluded; another, that the exploration of the route would afford the Government an excuse for further delays; and, the other, after you pass the Rocky Mountains, the character of the country does not justify us, at this period in the history of the country, in constructing a railroad through it.

Hon. Mr. MACDONALD—I think it cannot be said that I have any desire to give the Government an excuse for delaying the construction of this Railroad. Year after year I have pressed upon them the necessity of undertaking it without further delay. There is plenty of work to be done in British Columbia and in the vicinity of Red River without touching the central part for some time. At one end of the line there are five hundred miles surveyed, ready to be commenced, and there need be no delay in prosecuting the work of construction at the other. Therefore, the exploration of the Peace River route need cause no delay. I am fully prepared to take the responsibility of advocating that course.

Hon. Mr. SCOTT—This is a new element in the discussion of the location of the Pacific Railway Line. The hon. Senator from British Columbia urges that a still further delay may take place in order that another, and, in his judgment, a very eligible route, may be explored. It is now eight years since the Pacific Railway enterprise was originated, and I believe if another eight years were to elapse before the construction was to commence, there would still be advocates of routes, which, if they had not been fully considered, would present to the minds of many persons attractions well worthy of consideration. It is only another proof of the gigantic nature of this scheme. In British Columbia, after seven years have

*Hon. Dr. Carrall,*

elapsed, and after a vast amount of money has been expended in endeavoring to find a suitable route, we are asked to still further postpone the work of construction and survey another route.

Hon. Mr. MACDONALD—This is not in British Columbia.

Hon. Mr. SCOTT—It would lead, as I understood from the hon. gentleman's observations, to a different outlet from British Columbia. I am not going to discuss the multiplicity of routes surveyed. As hon. gentlemen are aware their name is legion. The hon. gentleman has altered his motion since it was put on the paper, and, therefore, I am not prepared to answer it as fully as he might desire, but I may say the assistant engineer has not visited the Peace River country. I will bring my hon. friend's new proposition before the Minister of Public Works, and will be able to advise him to-morrow.

Hon. Mr. CORNWALL—I would just refer to one remark of the hon. the Secretary of State. He says, it appears now that British Columbia is in favor of further delay. I can assure the hon. gentleman that is not the case.

Hon. Mr. SCOTT—The survey of a new route would, of course, involve delay.

The motion was allowed to stand.

## INDIAN TROUBLES IN THE NORTH-WEST.

### ENQUIRY.

Hon. Mr. GIRARD enquired:—

"Whether measures have been adopted with a view to giving satisfaction to the Indians in the North-West Territories, and thus averting troubles in that distant portion of the Dominion?"

He said:—My intention in making this enquiry is not to gratify any personal curiosity. From all parts of these eastern provinces large numbers of people are preparing to move to Manitoba with a view to settling there, and, of course, the reports of troubles with the Indians must necessarily cause a great deal of anxiety. For my part, I do not think such troubles are much to be feared. At the same time, the Government cannot too carefully watch the course of events in

the North-West, as grievous consequences might result from want of proper precautions. There is always a great deal of exaggeration in such reports, but it is an undoubted fact that there are bands of Indians near the frontier who are prepared to make a movement in some direction when the spring is a little further advanced. I will take the liberty of submitting to the House a letter from a missionary who has spent his life amongst the Indians, and who thoroughly understands their habits, and the Government can decide upon what course they think should be adopted when they hear it. One cause of these troubles is the fact that the original settlers in the North-West have not had their claims recognized in the organization of the North-West Government, and they have felt very jealous about it. Meetings were held, and great dissatisfaction was expressed that not one of them was chosen as a member of the North-West Council, or as stipendiary magistrate. I believe the Government lately did something towards rendering justice to those people, but it would have been better if they had made this movement sooner. Instead of being recognized as liberality on their part it will be thought that the concession was made under the pressure of fear. For over eighteen months I have been seeking for justice to the people of the North-West, but without success. Now that we are in trouble, appointments are made, and I regret that they have been left to such a late hour. Once dissatisfaction is excited it is not so easy to calm it down. I will read the letter to which I have referred :—

“ You have heard, no doubt, the rumors which are circulated in the North-West. I think they are pretty well founded. Whatever Government should do, in view of these difficulties, is to try and calm the Indians, to show that their present and future happiness depends upon their maintaining friendly relations with the whites. That can only be done through those who enjoy their confidence, and understand their habits. A false step in that direction may create very considerable difficulties, and involve the Government in a costly war, which would result in heavy expense, much loss of life, and the eventual extermination of the Indians. It is certain that the Blackfeet, Assiniboines, Crees, Nezperces, and Sitting Bull's bands may sweep the mounted police and all the white people from the country in less than fifteen days, and they can by that procure ammunition enough to last them five years.”

In view of these circumstances it is my  
Hon. Mr. Girard.

duty to warn the Government not to neglect taking the necessary precautions for the protection of life and property in the North-West. For my own part, I do not think the dangers are so serious as have been represented. The Indians of the Dominion are satisfied with the good terms that have been made with them in recent treaties. There may be some local dissatisfaction, because, naturally, some of them have suffered in their pride and pretensions; but on the whole, I think, the treaties have given satisfaction. I will now read an answer, which appears in a Winnipeg paper, in reply to a telegram asking if there was any danger of trouble on the part of the Indians. It is as follows :—

“ A WORD TO INTENDING IMMIGRANTS.”

“ We have received and replied to a telegram from the leader of a party of intending immigrants to Manitoba, asking as to the truth of the Indian troubles in the North-West. To all such we would say that as yet we know of no trouble whatever, and that even if there were, that in the remote quarter—a thousand miles from our Province—we would hardly be more affected by it than by the late Turco-Russian war.

“ No family need for an instant be deterred from coming to Manitoba on account of Indians or fear of them. We are not wanting troops or arms to fight battles, but stout husbandmen, with willing hands, to take up and occupy our broad reaches of prairie, where peace and plenty sit smiling alike.”

I think that is, perhaps, going a little too far. I rely upon the courage of the people of Winnipeg in case of trouble arising. I think the intention of the Crees and Sitting Bull's bands, is to make a movement across the borders, and that may possibly give rise to complications which it would be well to avoid. As we are near the line, no doubt Manitoba will have its own share of trouble and responsibility through the actions of these Indians. In that event, it is certainly to be regretted we have not a better force there than there is at present; but, as I said before, I can only rely on the loyalty and courage of our people in any contingency that may arise.

Hon. Mr. SCOTT—With reference to the unprotected position of Manitoba, I think I can give the hon. gentleman the assurance that it is perfectly safe. Any Indian war that could possibly arise would

be from 800 to 1,000 miles away from that country. The subject to which the hon. gentleman has drawn the attention of the Government more particularly, is the Indian troubles in the North-West. The Government are removing, as far as possible, all grounds for irritation on the part of the Indians. The writer of the letter which my hon. friend has just read is, I believe, Father McCoomb.

Hon. Mr. GIRARD — Yes. It is dated the 26th March.

Hon. Mr. SCOTT—It was at his instance, and the instance of two other gentlemen, that the Government two years ago took into consideration the propriety of preventing the slaughter of buffalo. It was urged, unless that was done, the time was not far distant when it would devolve on the Government to maintain the whole Indian population of the North-West. The buffalo is their principal, if not their only source of subsistence. In consequence of those representations, measures were taken by which the buffalo was protected. The Indians were permitted to kill at all times, when it was necessary for their support, but the Half-Breeds were restrained absolutely from killing the buffalo, except at certain seasons; and the same rule applied to traders and other outsiders. The law has been put in force this year, and no doubt has caused great irritation among the Half-Breeds, who are nomadic tribes like the Indians themselves. It was stated no discrimination should be made between the Half-Breeds and Indians, especially in that portion of the North-west occupied by the Crees, Piegans and Blackfeet; inasmuch as the Half-Breed is not, individually, likely to settle down and cultivate the soil, even if considerable inducements are held out to him. The Government considered it was not wise to put the Act in force to the fullest extent. There are other reasons urged why in that particular section between the north branches of the Missouri and Wooded Mountain, the Act should not be put in force to its fullest extent. Through that section of country the international boundary line runs, and great herds of buffalo range from one side to the other, and it was manifestly absurd to prevent this slaughter of buffalo on our side of the line when

Hon. Mr. Scott.

there was no restriction of the kind on the other side. Therefore, instructions have been given to the Mounted Police and the Government of the North-West, not to enforce the law as absolutely as was at first contemplated. In regard to the apprehensions of danger of an alliance between the Blackfeet, Piegans and Sioux, I am informed there is not the slightest danger of anything of the kind. That is really the danger that my hon. friend pointed to. The Sioux and Blackfeet are constantly coming in contact with the Mounted Police; and if there are any people in the North-West in a position to judge of the temper of the Indians, they are the officers and men of that force, who are always moving amongst them. They report that there is not the slightest cause for any alarm. It is known that there is a very bitter feeling prevailing between the Blackfeet and the Sioux, and there is not the slightest reason to believe that any treaty will be formed between them—and they are the most powerful bodies of Indians in the North-West—certainly not any treaty which would be hostile to the Canadian authorities. My hon. friend has justly observed, the cost of all this is very considerable. At the present time the expenditure for maintaining order among the Indians of the North-West exceeds three-quarter of a million of dollars, which necessarily will be a charge on the public revenue for some time to come. It cannot probably be kept under that. My hon. friend has adverted to the representation of the Half-Breed element in the North-West Council. That has been thought only reasonable and just, inasmuch as they form an important part of the population of that country, and a representative has been selected from amongst them to represent them in the North-West Council. The Indian scare has really no foundation in truth. There are many causes for it which have their origin outside the Dominion altogether. One of the principal sources of the excitement is from sections immediately south of the boundary. Representations are made to the American Government that unless forts are established at particular points the white population will be overcome. The establishment of a fort means the presence of American troops and the expenditure of considerable sums of money, and wherever

there is a white population in those States and Territories they desire naturally to have troops in their neighborhood, because it is a matter of notoriety that there never has been a cordial feeling between the settlers of Montana, Dakota and other Western States, and Territories and the Indians. It has been practically a running warfare from day to day between those parties- and they are constantly creating alarm that their friends at Washington may take up the matter with the view of having United States troops in their immediate vicinity. That, I believe, is one of the prolific sources of the constant reports we see in the newspapers of Indian scares either north or south of the boundary line in that section of country lying between the Missouri and the wooded country, which is a country inhabited by roving tribes of Indians.

### AMENDING THE RULES.

#### RECEPTION OF PRIVATE BILLS.

Hon. Mr. BELLEROSE moved that the 49th rule of this House be amended as follows:—Line six after "Bill" insert "originating in the Senate." He said there was no necessity for explaining this motion, as hon. gentlemen understood what it was. It was evident that the rule was intended to apply to Bills that originated in this House, and not to Bills coming up from the Commons, as many of the Bills from the Lower House were coming up to the Senate the very last day of the Session.

Hon. Mr. MILLER said he did not desire to oppose the motion of his hon. friend, but as they were amending that rule it would be well to consider whether further amendments would not also be necessary. As it stood at present, it was practically no rule, as it was never adhered to, and frequently, during the session, the time had to be extended. The rule was: "No petition for any private Bill is received by the Senate after the first ten days of each Session; nor may any private Bill be presented to the Senate after the first two weeks of each Session; nor may any report of any Standing or Select Committee upon a private Bill be received after the first six weeks of each Session." Sometimes

*Hon. Mr. Scott.*

the House was in session fully ten days before the committee had a single meeting, and it was an unusual thing for any private Bill to be presented to the Senate until after the House had been two weeks in session. He would suggest that the rule be amended to read as follows: "No petition for any private Bill is received by the Senate after the first twenty days of each Session, nor may any private Bill be presented to the Senate after the first four weeks of each Session; nor may any report of any standing or Select Committee upon a private Bill originating in the Senate be received after the first six weeks of each Session." Perhaps his hon. friend would amend his motion, and take the sense of the House upon it as amended on a future day.

Hon. Mr. BELLEROSE said an hon. gentleman had drawn his attention to the matter, but he had forgotten it.

Hon. Mr. SCOTT said it was evident that the rule was intended only to apply to Bills originating in this House alone.

Hon. Mr. AIKINS said he understood when the rules were revised last Session that they were to conform to those of the House of Commons. It would appear extraordinary if they should have one set of rules for this House that a Bill could only be presented here at one time, and have another set of rules for the House of Commons that a Bill should only be presented there at another time. He suggested that they should consult with the House of Commons before any change in the rules should be made.

Hon. Mr. MILLER said he was aware that in framing the rules of the House their desire was to make them conform with those of the House of Commons, but he did not see why it should be so. He did not see why, if they had a rule which in practice was not adhered to, that it should be allowed to stand, because it conformed to that of the House of Commons.

Hon. Mr. AIKINS asked if this rule as proposed to be amended was likely to be adhered to hereafter.

Hon. Mr. MILLER said it was more likely to be adhered to when the time was extended to a month than it was when the time allowed was only two weeks from the opening of the Session.

Hon. Mr. MACFARLANE said

the public were under the impression now that they must present their petitions within two weeks after the meeting of the House, and he feared if the time was extended it would have the effect of protracting the business of Parliament, as many would delay presenting their petitions to the last moment, and the time would have to be extended in order to receive them.

Hon. Mr. SCOTT said he did not think there was anything to be gained by allowing a rule to stand on the books that they never intended to be carried out.

Hon. Mr. BOTSFORD said when the Committee were framing the rules they took into consideration the Standing Orders of the House of Commons, as far as the publication of the terms of receiving private bills in both branches of the Legislature was concerned, and the rules were made similar in both Houses. He perfectly agreed with the hon. mover that it was desirable to change that rule in the way in which he had suggested, but he had thought perhaps it was not desirable to do so until some consultation was had with the other branch of the Legislature, in order to have the rule applicable to private bills the same in both Houses, in consequence of the advertising that was necessary before private bills could be presented.

Hon. Mr. DICKEY said there was a very good reason for the uniformity of orders in reference to the question of the publication of notice, because those were outside proceedings which must precede any action in either House. Therefore, it was reasonable that the rule upon that point should be uniform. But this was a question entirely outside of that; it was a question relating to the administration of the affairs of this House. The rule was framed with a view to the most convenient mode of receiving petitions, and receiving private bills, and acting upon reports of committees on such private bills originating in this House. The present rule was never acted upon, and they were constantly asking that it be dispensed with for a given period. He did not see that it would have the effect that had been pointed out by his hon. friend from Wallace, because it would be an inducement for parties who were applying for private bills to send them in early, as

*Hon. Mr. Macfarlane.*

they would know when the time was extended that extension would be final.

Hon. Mr. SCOTT enquired of the Chairman of the Private Bills Committee (Mr. Miller) what proportion of private bills had come in and were initiated in this House consequent upon the extension; and whether the majority of those bills were not really measures from the other Chamber.

Hon. Mr. MILLER said the extension of time was necessary in connection with nearly all the bills that had been introduced in this House. He did not see that the change of the rule with regard to the time for receiving petitions, or the time for presenting reports of committees, would at all interfere with the uniformity of notice required by both Houses with regard to the publication of private bills.

Hon. Mr. BOTSFORD said in order to show what the object of the committee was in framing that rule, he would read a resolution passed by the committee on the 3rd April, 1875, when the rules of the Senate were being revised. The Commons also made some amendments in their rules after consultation between members of both Houses, so as to assimilate the rules respecting private bills.

Hon. Mr. DICKEY asked what was the rule of the House of Commons.

Hon. Mr. BOTSFORD said they were identical. The rule of the House of Commons was as follows:—

“No petition for any Private Bill is received by the House after the first ten days of each Session; nor may any Private Bill be presented to the House after the first two weeks of each Session; nor may any report of any Standing or Select Committee upon a Private Bill be received after the first six weeks of each Session.”

Hon. Mr. BELLEROSE said he believed the amendment ought to be confined to legislation originating in this House, so as not to shut the door against bills that would come up from the Commons late in the Session.

#### THE FIRE AT ST. JOHN, N. B.

##### ENQUIRY.

Hon. Mr. DEVER enquired whether, in view of the following statement made

by the Hon. the Finance Minister:—

“That there was no obligation on the part of the Government to return the duties on goods that were consumed by the St. John fire, which were covered by insurance, as the duties on such goods would have to be returned to the insurance companies instead of to the insured, it is the intention of the Government to return the duties on such goods as had not been covered by insurance, and which goods had been in the Custom House Warehouse at that place.”

He said:—Hon. gentleman may, perhaps, permit me to say that by the great fire at St. John, three-fourths of the merchandize in the stores, and of the goods and chattels of citizens were destroyed, and there was not a warehouse of any importance standing after the great fire; all the bonded warehouses and large wholesale and retail stores had also been destroyed. It was calculated that the Government of Canada would be largely benefited by the great addition to the revenue of this country which would be caused by the importation that would necessarily take place to fill up this great loss, and on which duty would have to be paid in order to supply what had been destroyed by the fire. Not only the ordinary merchandise of trade, but all the articles that necessarily entered into the construction and furnishing of buildings and dwellings, such as locks, hinges, cutlery, carpets, house furnishing goods, linen, pianos, &c., all expensive articles subject to a duty of seventeen and a half per cent., would have to be supplied a second time. Large quantities of liquors had also been consumed in the warehouses. I see it has been estimated that the probable amount of revenue from this source will not exceed \$250,000 or \$300,000. This is a wrong estimate. When we take into account the quantity of property consumed was from \$27,000,000 to \$30,000,000, it is reasonable to suppose that some \$4,000,000 worth of dutiable goods have been consumed on which duties will have to be paid the second time—on large quantities of which the duties will be from 200 to 250 per cent.—so that a very much larger amount than is generally supposed will accrue to the revenue of the country from this source. I feel disposed to thank the Government, on behalf of the people of St. John, for their kindness in admitting, duty free, materials for building purposes. This

Hon. Mr. Dever.

certainly was a great boon to the people of St. John, especially the admission of brick, and, I am sorry to say, our friends from Nova Scotia express some regret at this, but when they hear that neither Nova Scotia nor New Brunswick had sufficient resources to produce on such short notice the quantity of brick that was required to rebuild the city, they will agree with me that it was quite right for the Government to open the port for the introduction of foreign brick duty free. Before the fire, bricks of ordinary quality were worth \$14 per thousand in New Brunswick. At this rate, if we were compelled to reconstruct our city with brick, we would have had to spend a vastly greater amount of money than we could afford, and since brick has been imported from the United States free of duty, the prices ranged from seven and one-half to eight and one-half dollars a thousand, which makes a great difference to those who have to rebuild, and we are disposed to express our thanks to the Government for it. The enquiry which I have made to-day has been induced by expressions which have been made use of by the Finance Minister in another place, when reference was made to the refund of duties upon large quantities of goods that had been consumed in that fire. No doubt the Finance Minister spoke for the Government, and he seemed to think, and I think myself, very fairly, that the Government would have no right to entertain any proposition from parties who lost duty paid goods on which there had been insurance. If they took into account the refunding of duties on any of those goods, the refund should be made in favor of the insurance companies. That is apparently quite right, for if parties had their stock stores insured as part and parcel of their stock in trade, it would be unfair that the Government should be asked to refund any portion of that duty. I would point out, however, that other parties had suffered by that fire who were not so fortunate as to have had their goods insured, owing to circumstances that, in my opinion, justified them in running the risk. The Custom House there, a very fine granite block, was considered a fire proof building. It had cost originally I fancy \$300,000, though the Government, I think, only paid about \$80,000 for it, but they repaired it ex-

tensively, and it must have been worth before the fire \$150,000. In consequence of the supposition that that building was fireproof, and from the fact of there being a large number of officials in the employ of the Government of Canada about the premises, it was looked upon as very safe, and a number of merchants permitted their goods to remain in the vaults or warehouse beneath uninsured. I know of one merchant who had 127 casks of wine there on which duty had been paid to the Government to the amount of some \$1,500. Some of the wine destroyed was under the control of the Government, inasmuch as the lockers had not given it up to the merchant; hence, the wine was to all intents and purposes in the possession of the Government, though they had received the duty on it sometime previously. In ordinary cases it would be quite right to consider that the Government would not be called upon to return duties, but in this case hon. gentlemen will see at once that the quantity of wine destroyed was not consumed in the country, that a duty had been paid upon it; and that a similar quantity on which duty would have to be paid a second time, would have to be imported to make up the deficiency. In that case the Government would clearly receive the duty twice on the same goods. It is evident that is not the intention of the Customs Act. The intention is that duties shall only be paid upon the goods consumed in the country, and parties paying duties once should not be compelled to pay revenue on the same goods a second time. There are persons who feel that the Government might possibly take this matter into consideration. They do not ask it in the spirit of supplicants; they do not ask anything to which they are not fairly entitled, and they do not believe the country will call upon them to pay duties on the same articles twice, under the circumstances I have stated. I may add that it is considered a great wonder that the Customs House should have been destroyed at all. If the least precaution had been taken by the officials; if an engine of any size had been placed on the premises, and any interest had been taken, that beautiful and costly building need not have been lost. Unfortunately it seemed to have been completely abandoned by those who should have looked after it; it seemed to be

*Hon. Mr. Dever.*

regarded as public property and was left to the flames, and parties who considered their goods were perfectly safe there, lost all that they had stored in its vaults, or warehouses.

Hon. Mr. SCOTT—With reference to my hon. friend's enquiry I may say that Mr. Cartwright's observations were simply an illustration of the difficulties that would arise if such a course were followed as to refund duties on goods that had been destroyed. Once goods pass out of the bonded warehouse they become articles of traffic, and it would be a hopeless task to attempt to trace them. So far as goods that were in bond at the time of the fire are concerned, wherever proof was given that they had been destroyed, the Government have not enforced the bond, but further than that we could not go. I fancy it would take a very considerable time to discover the real claimants, and the quota of value of their respective claims outside of that. The first question that would arise would be the claims of the insurance companies, and what portion of the goods had been disposed of. We know as a rule that many merchants leave large quantities of their goods in bond as long as possible in order to insure safety, and save themselves from having to pay duty on them only as they require them, and as they are removed from the warehouse.

Hon. Mr. DEVER—No doubt there were large quantities of goods in bond at the time of the fire, but those are not the goods I have reference to. I had goods in bond myself at the time, and when the Warehouse Keeper made out a list of what had been destroyed in the warehouses, my bonds were cancelled at once, but I have reference to goods that remained in warehouse bond after the duties had been paid on them. There is no question but what those goods were still in the possession of the Government, in their warehouse, at the time of the fire, duty paid, and consequently they should not be placed in the same category as goods delivered up by the Government, or goods on which duties had not been paid. For instance if a cask of molasses or wine slips out of the slings on being delivered from the warehouse, and is destroyed, the Government refund the duties. In that case they hold that the same quantity of dutiable goods must be again brought into the country, on which

the duties will have to be paid a second time. So they refund the duty to the party who sustains the loss by the accident. I expect the Government on due consideration will act similarly in such cases as I have mentioned.

Hon. Mr. SCOTT—The ordinary course adopted in such cases as the hon. gentleman speaks of, is to refer them to the Treasury Board to be adjudicated upon, where they are treated entirely on their merits.

### THE SESSIONAL PRINTING.

#### FOURTH REPORT OF THE COMMITTEE.

Hon. Mr. SIMPSON moved the adoption of the fourth report of the Joint Committee on Printing. He said he wished to call attention to the fact that the cost of the printing services of Parliament for the year 1876-7 was \$63,853.25. That was about \$2,000 in excess of the expenditure of the previous year. The Committee were in hopes that the amount this year would be smaller than it was last year, although the work was as great. They were now considering the expediency of reducing the amount of printed matter, such as blue books and reports, and thereby lessening the expense of the service. They had also found that Mr. Botterell, who had charge of the Distribution Office, had been obliged to get in one or two persons during Session to assist him in packing up books and reports for the various Provinces. After careful enquiry the Committee were of opinion that there was work enough to justify the continuation of the services of one of the Sessional messengers now on the staff, during recess as a second assistant distributor, at an additional allowance of \$300, which would bring his salary up to \$500 a year. Mr. Botterell considered that, by getting a regular assistant added to his staff, there would be more efficiency and economy than when he had to depend upon untrained persons. These were the principal features of the report, and he hoped it would be adopted.

The motion was agreed to.

### BROCKVILLE & OTTAWA. AND CANADA CENTRAL RAILWAY AMALGAMATION BILL.

#### SECOND READING.

Hon. Mr. PENNY, in the absence of Hon. Mr. Deccr.

Hon. Mr. Skead, moved the second reading of Bill (9), "An Act to amend the Acts incorporating the Brockville and Ottawa Railway Company, and the Canada Central Railway Company, and to provide for the amalgamation of the said companies."

The motion was agreed to.

### HOCHELAGA COUNTY BUILDING SOCIETY'S BILL.

#### SECOND READING.

Hon. Mr. TRUDEL moved the second reading of Bill (48), an Act to incorporate *La Societe de Construction du Comte d' Hochelaga*. He said the object of this Bill was to place the Company on a permanent basis. The general clause was to secure existing rights in favor of the Company. One of the provisions was that all shares on which only ten per cent had been paid should be reduced to 90 per cent. The paid up capital was \$59,450, and it was provided by the 5th section that this should form the permanent capital stock of the Society. The 6th section provides that by a resolution of the Directors confirmed at a general meeting of the stockholders, the permanent capital may be increased, and they may open classes for temporary shares. The 9th section provides for the discontinuance of the present system of appropriations. The 11th section provides for a reserve fund.

The Bill was read the second time.

### THE MINISTERIAL CHANGES IN QUEBEC.

#### MESSAGE FROM HIS EXCELLENCY.

Hon. Mr. SCOTT presented a message from His Excellency the Governor-General transmitting to the Senate a letter from Mr. C. B. DeBoucherville with reference to recent ministerial changes in the Government of Quebec. He said: The hon. gentleman from Kingston, who is not at present in his place, asked me to bring down the commission of his Honor M. Letellier de St. Just, and any instructions given to him as Lieutenant-Governor of Quebec. I have brought down the papers, but I desire to inform the hon. gentleman that no instructions were given him of an

official or confidential nature, nor have any instructions been since given to him of an official or confidential character.

## CONTAGIOUS DISEASES OF CATTLE.

### EXPLANATION.

Hon. Mr. PELLETIER—As several hon. members have lately asked me if we had any news from England with regard to the Bill now before the Imperial Parliament respecting contagious diseases of cattle, and as we had not received any news for several days, I am very glad to be now able to inform the House that the following very encouraging telegram has been received this morning :—

“Several Canadian witnesses were examined before Lord’s Select Committee on Duke of Richmond’s Cattle Disease Bill. Sir John Rose occupied an hour and a quarter in placing before the Committee the Canadian claims for admission of live cattle to the inland markets. Sir John also answered several questions. In the absence of the Marquis of Ripon, Earl Spencer supported the claims of Canada. Other witnesses were examined, viz.: Mr. John Dyke, Dominion Agent in Liverpool, and Mr. Williamson, cattle dealer of Brampton, Ont. A further hearing was adjourned until Tuesday. It is now probable that the Government will accede to demands of the opponents of the measure, and grant unrestricted admission of Canadian cattle until such occasion arises as proves a disease existing among them, when they will be placed under restrictions equivalent to those enforced as to cattle arriving from continental ports.”

## THE CONSTRUCTION OF THE PACIFIC RAILWAY.

### THE DEBATE CONTINUED.

On the Order of the Day being called—resuming the adjourned debate on the Honorable Mr. Read’s motion to resolve, that this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway involves the expenditure of enormous sums of public money without any corresponding beneficial results,

Hon. Mr. GIRARD said:—At the adjournment of the debate the other day I was submitting to this House the position of the question in reference to the Pacific Railway. I was drawing the attention of the House to the fact that a

*Hon. Mr. Scott.*

large sum of money had been expended on this enterprise without any compensating advantages having been received from it by the country. I was endeavoring to point out what had been done in the various Provinces of the Dominion with regard to this work, and I was obliged to confess before you all that we had not received any work equivalent to the money that had been expended. I was then induced, hon. gentlemen, to ask what could be the cause of all this, or how it is possible that ten millions of dollars of the public money could have been expended on this enterprise without showing any results; and I stated to you, frankly, my opinion was that the Government of the day had not any intention of building the road at all. Their policy appears to me to be, not to build it. We have heard one hon. gentleman after another condemning their policy, and, it is now time, before the next general election, that the people should require of them some decided policy, so that if they do not intend to build the railway, the expenditures shall cease. The Government could not refuse to acknowledge the engagements of their predecessors. Not only was there an Act upon the Statute-books of the country, but a solemn treaty had been made with British Columbia, which had to be fulfilled, so far as the means of the Dominion would allow. But this Government did not know how to deal with such a gigantic enterprise. Instead of carrying out the plan of their predecessors, they adopted a narrow policy, and this they were obliged to change from time to time, unnecessarily expending the public money and accomplishing almost nothing in the direction of benefiting the country. It was only when they began to perceive that public opinion was opposed to them that they tried to do something practical towards constructing the railway. When I moved the adjournment of the debate last Friday, I was endeavoring to show the position in which Manitoba and British Columbia were placed by the policy of the Government. I contend, if they had gone on with the work on any part of the line, the people of British Columbia would have had nothing to complain of, because there was a distinct pledge given by the Dominion which must be redeemed sooner or later. We, in Manitoba, had no such agreement, but it was

necessary that the road should pass through our Province, and in 1874 it was enacted that it should pass near Fort Garry. The people of Manitoba understood from this that the railway would pass near Winnipeg, because Fort Garry is included within the limits of the town of Winnipeg, and the Lower Fort is never spoken of by that name. On the strength of that understanding property was purchased, and money was invested at Winnipeg, but, after all, the Government carried the road north of Lake Manitoba. A Committee of this House investigated that subject last Session, and they arrived unanimously at the conclusion, after having heard the evidence of a number of witnesses, that if the line had been deflected in the direction of Winnipeg, and south of Lake Manitoba from section 15, the route would have been shorter, less expensive, and would have passed through a settled country. I look upon that as an important point, because the road is being built in the interest of the entire Dominion, and therefore it should be constructed where the local revenue would be largest. If section 15 had been deflected to Winnipeg, the country would have been saved the loss, not only of a large amount of money, but also of lives. Already twelve young men have met their death on that section, and I do not think it can be completed for four or five years to come. The Premier, on one occasion, stated that unless there were three millions of people in the North-West, it would not pay to build that line. I concur in that opinion, and for that reason I condemn the selection of the Northern route which passes through a country quite unfit for settlement. In Winnipeg there is already a considerable population, and it is estimated that there are 25,000 souls in the western part of the Province of Manitoba. Many of them settled there twelve or fifteen years ago, and suffered all the hardships incidental to the life of pioneers; and if the Government could, without injury to the rest of the Dominion, furnish them railway communication, they should do so. Already there is traffic enough between Winnipeg and the western part of the Province, to pay the running expenses of a railroad. Such was the opinion of Mr. Jarvis, one of the engineers examined before the committee last Session. He is a man of intelligence

*Hon. Mr. Girard.*

and high social position. He was engaged in the construction of the Intercolonial Railway, and had been for some time employed on the Pacific Railway survey. I will read a portion of his evidence, as a proof of what I have advanced:—

Q. Had a slight deflection been made from the located line to the south, from Keewatin towards Red River, would the difficulties experienced on section 15 have been avoided? Yes, they would have been obviated to a considerable extent.

Q. What difficulties do you refer to? Difficulties in the construction of the railway. There is some heavy work on the section known as section 15; in the thirty-five miles between Keewatin and Cross Lake, there are heavy rock cuttings which would have been avoided on the southern line. The rock extends the whole distance between these two points on the located line, but on the southern line, the heavy rock work would have ended about half way.

Q. Can you tell us why that route was selected in preference to the one where the work would have been lighter? I believe it was selected as being a more direct line to Selkirk.

Q. Can you tell us why Selkirk was the point specially selected? No, I cannot.

Q. Is the crossing of Red River easier there than at what would have been the crossing had the southern line which you refer to been selected? I think not. I think the crossing I selected twelve miles south of Selkirk and ten north of Winnipeg is better than the crossing at Selkirk.

Q. You think the crossing would be easier and cheaper at that point than at Selkirk? I think so from what I have seen of the crossing at Selkirk.

Q. Would the line southern by the Red River route from Keewatin have been longer than the present located line? The line would have been slightly longer to the river, owing to the river being reached at a point further west, but it would not have added to the length of the Pacific Railway.

Q. Would the facilities of construction afforded by the line first projected to Winnipeg compensate for the difference in length between it and the located line east of Red River? I believe that the extra length would be more than paid for by the difference in work between Keewatin and Winnipeg.

Q. Which line would facilitate more the colonization of the Province? The southern line, certainly. On the located line there is no open country at all east of Selkirk, and there is very little land available for settlement, while on the line to the south there is a belt of prairie country about thirty miles wide fit for settlement.

Q. Does a line from Keewatin to Winnipeg

touch any good country? Yes, it would run through thirty miles of the good land.

Q. Would there be any more difficulty in constructing a bridge across the river at St. Boniface than at any other place from Winnipeg to Stone Fort? I think there would be no great difficulty in constructing a bridge just below Winnipeg, but it would probably cost a little more than at the point I speak of.

Q. Would it be more difficult than at the crossing at Selkirk? No, I imagine not.

Q. If a railway were now in existence from the western boundary of the Province to Winnipeg would it pay running expenses at present? I think it would make running expenses as far as the settled portion of the Province extends, about sixty or seventy miles.

Q. What benefit to the Province would the located line from Selkirk west across the Narrows to the western boundary be? It would be of no benefit whatever to the Province of Manitoba.

Q. Which way is settlement growing from Winnipeg? Principally to the west towards Portage la Prairie and White Mud River.

Q. What would be the difference in length between the proposed line of yours, and the located line between Keewatin and Caerlaverock station, at the elbow of the North Saskatchewan? As near as I can scale it on the map, my line would be eleven miles shorter.

Q. Have you any means of forming an estimate of the cost, between the Southern route and the located line? Starting from Keewatin, I should say the Southern line would cost less, because although the expenses may be somewhat heavier in the neighborhood of the Rocky Mountains, all that expense would be more than balanced by the heavier work on section 15 of the located line.

Q. You say that that course is about eleven miles shorter than the present located line? Yes.

Q. In calculating the distance, you have not considered the branch from Winnipeg to Selkirk at all? No.

Q. So that there would be a saving by your line of eleven miles in the length, and a saving, by not having to construct the branch, of another twenty miles? Yes; the total saving would be thirty one miles of railway.

When it was known at Winnipeg that the Government had decided upon running the Railroad north of Lake Manitoba, instead of crossing the Red River at Winnipeg, there was some correspondence between the local authorities at that city, and the Dominion Government. I will take the liberty of reading a portion

Hon. Mr. Girard.

of the Minute in Council, forwarded to the Dominion Government by the Executive Council of Manitoba. It is dated 22nd January, 1875, and sets forth—

“That the termination of the branch railway from Pembina at twenty-two miles below the city of Winnipeg, would grievously injure the only town of importance which has arisen in the North West, the more especially inasmuch as the Canadian Pacific Railway has been located in such a manner as not to connect in any way with the city.

“As representing the people of Manitoba, they deem it their incumbent duty to urge upon the Privy Council that the Pembina Branch shall be constructed from Winnipeg to Pembina, and not directed to the vicinity of the Stone Fort, representing that the residents of Winnipeg and the surrounding country have made large investments in the erection of buildings, and the entering upon important business enterprises at that city, on the faith of being placed in communication with the American system of railways by the construction of the Pembina Branch.

“They represent that the faith of the Dominion is pledged to the construction of the said branch from the main line near Fort Garry, which is included in the City of Winnipeg to Pembina, and they rely implicitly on the good faith of the Privy Council and the Parliament of Canada to carry out their pledged word as to the construction of the branch in question with terminus at Fort Garry and Pembina.

“They claim the fulfilment of a solemn and statutory pledge, on the carrying out of which the future of Winnipeg mainly depends, and in proof of the existence of the pledge in question they cite the second subsection of 3rd section of the Act 37 Victoria, chap. 14, entitled ‘An Act to provide for the construction of the Canadian Pacific Railway,’ which expressly provides that a branch from the main line near Fort Garry, in the Province of Manitoba, shall be constructed to some point near Pembina, on the southern boundary thereof, and also the appropriation in the Supply Act of 1874, of \$650,000 for the construction of the Fort Garry and Pembina Railway, etc.

“And on the same day the said Council, on the rumored location of the Canada Pacific Railway north of Lake Manitoba, adopts the following minute:—

“That the Act to provide for the construction of the Canada Pacific Railway distinctly says in section 3rd that the said railway is to pass near Winnipeg, and as the great bulk of the settlement is and always will be south of Lake Manitoba, it would consequently pass through the heart of the population if the meaning of the Act is carried out.

“But on the other hand, if the road should be built north of the lake, three-fourths of the

population of the North West will, of necessity, be compelled to seek an outlet through the State of Minnesota."

The answer of the Privy Council, dated 1st May, 1875, is that,

"The Act of 1874 does not provide for any precise location. Winnipeg is not mentioned in the Act. Prior to the receipt of the Minute referred to, the line had been located from Rat Portage to the Narrows of Lake Manitoba, crossing Red River three miles below Lower Fort Garry. Considerations of the present economy and the future saving in working the line, as well as the obvious necessity of considering the navigation of Lake Winnipeg having dictated this line, in which there is a saving distance of over thirty miles."

I think it will be admitted that we have not only been refused justice by the Government, but a great wrong has been done to the Dominion at large. We have been told that the engineers recommend the northern route, but we know very well that some engineers report in accordance with what they know or believe to be the views of those who employ them. I know there are many honorable exceptions to this rule. The committee of this House last Session, consisting of nine members, was unanimous in the opinion that the southern route should have been adopted, and this unanimity was commented upon by the Premier, who seemed to think they had been chosen because they were known in advance to favor that route. I say that committee was composed of men of intelligence, who were perfectly independent in their views, and who conscientiously weighed the evidence that was submitted to them, with a desire to arrive at a right conclusion, and that conclusion was, that it would be better for all parts of the Dominion that the southern route should be adopted. With such a report from the committee before them, the Government, should, at least, have given written instructions to the engineers who were sent to examine the southern route. I find, however, their instructions were merely verbal. Here is the report of Mr. Smith, annexed to the Report of the Minister of Public Works for 1877, of which I will give some extracts:—

"In accordance with the verbal instructions of the Minister an examination has been made of this line (viz: the line from Selkirk westwards, passing south of Lake Manitoba) with instrumental surveys of some of the deep

*Hon. Mr. Girard.*

valleys traversed by the line, and at other places where deemed necessary. The line throughout the Province of Manitoba, nearly 100 miles, is very favorable for railway construction, and the land is generally fertile.

"It is evident that no single line of railway can traverse all the fertile portions of a region so extensive, and that even before the trunk line is completed, branches will be required in various directions.

"A branch line could be constructed at a comparatively small cost, to meet the requirements of the Province of Manitoba equally as well as a diversion of the main line, which, if carried out as suggested, could not fail to be injurious to the wiler interests of the Dominion."

I think at the present time it is important that we should have but one line. We have not sufficient population yet to furnish traffic for more than one. If you encourage several lines in a country where the population is so sparse there will be no profit for any of them. For that reason it would be better for the Government to construct the Pacific Railway through the settled portion of the country instead of aiding private associations with the public money, and thus leading to jobbery and speculations which may be profitable to individuals but ruinous to the Dominion. I heard the hon. member from Toronto (Mr. Brown) say :

"He felt, and was sure the great majority of the House felt, that one could only rise from the careful examination of the public affairs of the country during the last three years, with the conviction that a more upright and efficient administration could not have been secured."

Notwithstanding my respect for the hon. gentleman for his long public life, I do not hesitate to say that I felt he could not be serious. If he had been, he would not have left his place without waiting to hear the reply to his remarks. I cannot believe he was serious in saying, in view of all that has been done by the Government with reference to the Pacific Railway, that there is not a single item of which we can disapprove. I would like to be able to agree with the hon. gentleman and tell the Government they have fulfilled their duty in a way to meet the views of the people. My opinion is when the appeal is made to the electors it will be seen that public opinion will condemn their policy with respect to the Pacific Railway. The people will feel, as I do, that if other men are called to administer public affairs, the

country cannot be worse governed than it is, but, on the contrary, there is every probability that we may enjoy the prosperity that blessed the Dominion in former years.

Hon. Mr. SCOTT moved that the debate be adjourned until to-morrow.

The motion was agreed to.

### THE POST OFFICE ACT AMENDMENT BILL.

The Bill entitled "An Act to amend the Post Office Act of 1875" was read a third time and passed.

### THE MARITIME COURT OF ONTARIO.

The Bill entitled "An Act respecting the Maritime Court of Ontario" was read the third time and passed.

### PUBLIC WORKS LAW AMENDMENT BILL.

#### MOTION TO AMEND.

Hon. Mr. PELLETIER moved that the House do go into Committee of the Whole on Bill entitled "An Act further to amend the Act respecting the Public Works of Canada." He explained that the object of the measure was to simplify the procedure in arbitration cases.

Hon. Mr. WILMOT said he had an amendment to propose. He wished to make the meaning of the Bill clear.

Hon. Mr. PELLETIER said the Bill was to enable the Minister of Public Works to refer cases in dispute to the arbitrators, instead of sending his employees to make investigations. The object was not to increase the power of the Government, but to save time and expense in such cases.

Hon. Mr. WILMOT said he did not wish to interfere with the Bill any further than to make its meaning clearer, which would be the object of his amendment.

Hon. Mr. SCOTT said that struck at the whole Public Works Act.

Hon. Mr. WILMOT said it could not possibly have such an effect. He had learned that since leaving home the engineer for the Maritime Provinces had

*Hon. Mr. Girard.*

taken possession of part of his (Mr. Wilmot's) property, and was building a dam 500 feet in extent, in the St. John River, which would pour the whole force of the current on his island. He had taken legal advice on the subject, and his adviser had called upon the Minister of Public Works to know under what authority he was acting, but received an evasive reply, which was no answer at all. His (Mr. Wilmot's) legal adviser had looked into the Public Works Act, and could find no authority for such a proceeding. The engineer who had charge of the Public Works in the Maritime Provinces had stated to a member of this House that the only person he had to consult in the matter was the member for the county that supported the Government, and that was a sort of responsible Government he (Mr. Wilmot) was determined to oppose.

Hon. Mr. SCOTT said the hon. gentleman was under an entire misapprehension of facts. After the severe strictures passed upon the engineer by the hon. Senator on a former occasion, he (Mr. Scott) had asked him for an explanation. It appeared that the place on which the work was being prosecuted, did not interfere with the hon. gentleman's property at all. The dam was being built out in the stream.

Hon. Mr. MILLER—It will throw the current on his farm.

Hon. Mr. SCOTT said the current, either on one side or the other, would affect either the hon. gentleman's property, or a number of farms on the opposite shore. The engineer's opinion was that it would not injure anyone's property. But if the hon. gentleman's land should be damaged, he would have a case against the Crown. The Bill before the House was simply in the direction of giving larger liberty to the subject, and not of curtailing it in any degree. From the tenor of the hon. gentleman's amendment, it would militate very much against the public works and stop them altogether.

Hon. Mr. MILLER said he understood that in making the improvement at Oromocto Shoals, it was necessary to divert the water to one side or the other, and it was considered better to throw the current on the land of the hon. gentleman, whether from personal or political animosity he

could not say. He, (Mr. Miller) did not know enough of the circumstances to justify him in making any serious charge against the Government or their officer. He concurred in the opinion that the Bill was a good one, as it extended the right of parties having claims against the Government and facilitated the means of realizing those claims. He saw no reason why the amendment proposed by the hon. gentleman opposite (Mr. Wilmot) should not be made applicable to this one clause, as its object was simply to prevent doubt or misapprehension with respect to it. Perhaps the best way would be to give notice of the amendment and let the Bill stand over another day.

Hon. Mr. PELLETIER said the amendment would be depriving the Government of a right they already possessed.

Hon. Mr. WILMOT said the hon. Secretary of State was entirely astray as to the effect of this dam upon the Island, and had evidently taken his opinion from the engineer who planned it. He (Mr. Wilmot) had been the first to advocate the making of this improvement, and if the plan recommended by Mr. Beckwith had been followed there would have been a straight channel down the river, but the Engineer in charge was turning the whole current of the river on his (Mr. Wilmot's) Island.

Hon. Mr. SCOTT—It is throwing it away from your Island.

Hon. Mr. WILMOT—I assert the very contrary, It is throwing the current on the Island.

The Bill was allowed to stand until tomorrow.

### THE LYON DIVORCE BILL.

#### THIRD READING.

Hon. Mr. KAULBACH moved that the report of the Select Committee to allow the Bill entitled: "An Act for the relief of Victoria Elizabeth Lyon" be adopted.

The motion was agreed to on a division.

Hon. Mr. KAULBACH moved that the Bill be read the third time.

Hon. Mr. POWER said he understood that a motion was to be made, before the passage of the Bill, to prevent the circulation of the evidence.

Hon. Mr. Miller.

Hon. Mr. KAULBACH said it was his intention to do so.

The Bill was read the third time and passed, on a division.

Hon. Mr. KAULBACH moved, That a Message be sent to the House of Commons by one of the Masters in Chancery, to communicate to that House the evidence taken before the Select Committee to whom was referred the Bill intituled: "An Act for the relief of Victoria Elizabeth Lyon," with a request that the same may be returned to this House.

The motion was agreed to.

The House adjourned at 6.20 p.m.

### THE SENATE.

Tuesday, April 9th, 1878.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### EVIDENCE IN DIVORCE CASES.

#### MOTION.

Hon. Mr. POWER moved:—

"That the evidence taken in Divorce Cases before Committees of this House, shall not form part of the Journals of the House; but that such evidence shall be printed for the use of Members, and shall be distributed only to Members"

He said:—I think probably this resolution would have come better from some older member of the House, but, as no other gentleman made any movement, I thought I might be allowed to do so, as the existing state of things was not altogether satisfactory. As far as I can see, there is no valid reason why the evidence in divorce cases—which is not of a character which one would desire to see in general circulation—should go into the Journals of the House, and be scattered throughout the country, or preserved for the reading of future generations. The plan suggested in this resolution, to have the evidence filed with the Clerk of the House, will, I think, accomplish the object we all have in view. Any future Divorce Committee can have access to such evidence by applying to the Clerk of the House, and I think that is all that

is desirable. There is another reason for this motion. Looking at the precedents of the House of Lords by the practice of which this House is guided, I am informed that for many years before the establishment of the Divorce Court in England, the evidence in divorce cases did not appear in the journals of the House of Lords, as had been the practice at an earlier period. I think, as they had grown wiser by experience, it would be well for us to follow the precedent established by them. The objections to having this matter printed in such a way that it is not only distributed to the members of the House of Commons, but to representatives of the press and almost every one who wishes to get hold of it, are manifest. Any one who cares to read the evidence in the last case will be satisfied it is not the sort of literature, the dissemination of which should be encouraged. I think it is a very unsatisfactory position for this House to be placed in, that we should be the means of spreading abroad such literature as that. We have just passed a Bill here to extend the powers of the Post Office Department so as to prevent the circulation of improper literature, and I think it is a very anomalous thing that the Legislature, while taking steps to prevent the spread of indecent and improper literature, should be doing so much itself towards circulating it.

Hon. Mr. ODELL—I quite agree with what has fallen from the hon. member who introduced this motion, but I think it is questionable whether he has gone far enough. Something would depend upon what has been the practice heretofore. I don't know whether it is necessary to send copies of the evidence to the members of the other House, but as they form part of the court, I suppose it should be sent to them also.

Hon. Mr. MILLER—I think it has been usual to send the evidence taken in divorce cases to the House of Commons, and it is upon that evidence they adjudicate in bills of this character. If it is the sense of the House that no record be kept of evidence in divorce cases, the motion could easily be amended so as to include both Houses. The question is, whether, if we exclude evidence from the records of the journals, or the record of the committee, on divorce cases, it should

*Hon. Mr. Power.*

not be kept in some other form. I do not know whether it is necessary this evidence should be preserved in any way. I have no strong opinion on the subject, but if this resolution is passed it will obviate the necessity of keeping any record except what is left in the possession of the Clerk.

Hon. Mr. ODELL—The manuscript will be the record.

Hon. Mr. DICKEY—As I understand, the rule sought to be adopted by this resolution is the rule in existence, except that the evidence is not entered on the journals. There is a record kept of it. We passed an order last Session that the evidence should not be entered on the journals, so that it should not be circulated outside of Parliament. We have kept a separate record, so that it may be referred to in case of necessity. It strikes me the House ought to pause before striking out that record, and the means of referring to it. We know that constant reference has been made in divorce cases in the past, to decisions of the House of Lords, which we could not have had the benefit of if we had not some sort of record. We recognize the evils of allowing these purient details to be spread on our journals, and last Session we decided that they should not be so published, but that a record be kept for the use of future committees. The latter part of this rule we have already. Our order is, the evidence shall only be printed for the use of the members, and not be printed in the minutes as they formerly were, and spread broadcast over the country. My hon. friend ought to be satisfied with the rule as it is, and leave the evidence as the Parliamentary record for precedents. I have had some experience on those committees, and I know it is sometimes convenient to have such precedents to refer to, and as time goes by they will become more and more valuable every year.

Hon. Mr. MACDONALD (Victoria)—I moved last Session in this direction, but nothing was done. I spoke to the Clerk afterwards, and he said he had received no orders to leave such evidence out of the journals of the House.

Hon. Mr. KAULBACH—My impression was that the rule of the House left it to the discretion of the committee whether evidence should be published in the jour-

nals of the House or not. In the Committee of which I was chairman it was through neglect that the rule was not observed. The matter might well be left in this way, because it might not be in the interest of the public that the evidence should be entirely suppressed.

Hon. Mr. BELLEROSE—I would suggest that the motion be amended so as to provide that the evidence be printed in English only, because there is no necessity for translating it for the use of the French members.

Hon. Mr. DICKEY—My hon. friend from Victoria is mistaken in supposing nothing was done last year. There was a resolution passed which will be found in the journals providing that :

“ Hereafter all evidence in divorce cases taken before a committee of this House, which, in the opinion of the committee ought not to appear in the journals, should be entered in a separate book, and be deposited in the archives.”

This came up in the Hunter divorce case, and I stated there was nothing in the evidence in that case which rendered it necessary to suppress it. In the Lyon case—to which, I suppose, particular reference is made now—the chairman of the committee, on reflection, thought the details were of such a character that the committee would not be justified in allowing them to be published in the journals.

Hon. Mr. MILLER—I have no doubt the House is pretty unanimous as to excluding this evidence from the journals of the Senate. The question is, how much further shall they go. Should they not keep a record, of some kind, of this evidence ?

Hon. Gentlemen—Certainly.

Hon. Mr. MILLER—Could there not be a book kept showing the justification for the granting of Bills of Divorce? If you prohibit the printing of the evidence in the Minutes without making provision for the keeping of a record, you are going too far. Perhaps the hon. gentleman who has this matter in hand would allow his motion to stand over for a day or two, and see if it could not be amended to meet the general view of the House, as thrown out to-day.

Hon. Dr. CARRALL—I must confess, I think the publication of the details of what may be considered a Criminal Court

*Hon. Mr. Kaulbach.*

—details of a most foul and offensive character—should not be paraded amongst the records of the Senate of Canada. I am told this evidence has been spread broadcast through the country. I should be glad to see all such reports eliminated from the archives of the House, except in cases where they may be required as a record.

Hon. Mr. CAMPBELL—Two years ago a committee was appointed to revise the rules of the House, the Chairman of which was my hon. friend Mr. Botsford. It seems to me it would be a most desirable and convenient way if the mover of this motion would allow it to stand as a notice, and in a day or two to move for the re-appointment of that committee, and refer it to them, in order that a new rule may be adopted which would be satisfactory to the House. It would be very desirable that whatever we do now should be final, and that there should not be any necessity for further steps to be taken in this direction. I do not understand the hon. Senator from Halifax to want in any way to interfere with the record of the proceedings. Of course a record must be kept, because it is part of a record of a court of justice. The notice as given does not take that into consideration, and does not say in what way the record shall be preserved, whether in a separate book or in print.

Hon. Mr. ODELL—The suggestion is a good one; and in the meantime I think instructions should be given to the Clerk that this evidence is not to appear in the journals. I distinctly brought the matter up myself in the Committee, and urged that it should not be published in the journals. The Committee agreed that it should not, and I expected it would have been reported to the House in that way.

Hon. Mr. KAULBACH—I fully exonerate every member of that Committee except myself. The report was handed to me, and I signed it in a hasty manner, without seeing that this part of it was attended to. The Committee expressed themselves strongly against the publication of the evidence. I must say, at the same time, I do not consider the publication of this evidence in the journals of the House as disseminating it through the Dominion. They go into the hands of members, and are very seldom looked at,

and consequently it could not have that baneful effect upon the morals of the community that some hon. gentlemen suppose.

Hon. Mr. POWER—I am prepared to accept the suggestion of the hon. Senator from Kingston, to refer this matter to a special committee. With reference to the preservation of the evidence as a record, I may say I provided for that in the resolution, as it was originally framed, but on consultation with the Law Clerk I was informed it was unnecessary, because, as a matter of course, all the evidence taken before a Committee of the House was preserved by the Court. At his suggestion I struck out that portion of the resolution.

Hon. Mr. TRUDEL—I agree in the opinion of my hon. friend opposite (Mr. Bellerose) that the evidence of these Divorce Committees should not be translated into French in any case. I think it is the unanimous desire of the French speaking members that there should be no translation.

The motion was allowed to stand.

Hon. Mr. KAULBACH moved:—

“That the evidence submitted by the Select Committee to whom was referred the Bill intitled: ‘An Act for the relief of Victoria Elizabeth Lyon’ be not inserted in the Journals of this House.”

The motion was agreed to.

## THE ROUTE OF THE PACIFIC RAILWAY.

### MOTION FOR RETURN.

Hon. Mr. MACDONALD (Victoria) moved:—

“That an humble address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House, the latest report of the Acting Engineer-in-Chief of the Pacific Railway, together with the map relating to the Peace River Country and Pine River Pass.

The motion was agreed to.

## CONSTRUCTION OF THE PACIFIC RAILWAY.

### DEBATE CONTINUED.

On the Order being called for resuming the adjourned debate on the Hon. Mr. READ'S motion:—

*Hon. Mr. Kaulbach.*

“To resolve, That this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway, involves the expenditure of enormous sums of public money without any corresponding beneficial results.”

Hon. Mr. SCOTT said:—The hon. Senator who brought this motion under the notice of the House expresses in it regret at the mode adopted by the Government for the construction of the Pacific Railway, and points out the very large expenditure that enterprise entails. I can agree with him that the construction of a work of that magnitude does entail a very large cost upon the people of this country; but it would have been very much more patriotic had the hon. Senator in 1871, when the subject was first brought before the notice of the people of Canada, sounded the key note of alarm and painted the future as the last few years have shown it, and described the enormous cost this road would entail on the Dominion, and called attention to the impossibility of carrying out the bargain which the Government were about to consummate with British Columbia. Had he done that he would have earned the gratitude of his country. But the treaty with British Columbia imposed a solemn obligation upon this country to construct within an impossible period a road of this magnitude, a road the extent and expensiveness of which was without parallel in the history of this or any other country. I am not aware that at that time, when the measure was before this Chamber, the hon. Senator called the attention of this House to the very dangerous agreement that we were then making, involving, as it did, such a large outlay of public money or else the sacrifice of the good faith of the people of Canada. As hon. Senators are aware, the terms with British Columbia involved the commencement of that road within a period of two years from 1871, and its completion within ten years. An effort has been made to throw some light on the interpretation of those terms. It has been urged that these terms were to be considered elastic; that Canada was not to be absolutely bound by them; that they were figurative, but I fancy that can scarcely be urged now, in view of the very careful manner in which the proposition was prepared binding this country to terms that are actually in an Act of Parliament.

Canada at that date had undertaken a very large expenditure of public money. She had undertaken the construction of the Intercolonial Railway, knowing its completion would involve a cost, in round numbers of \$10,000,000.

Hon. Mr. MILLER—\$20,000,000.

Hon. Mr. SCOTT—At the time I speak of, in 1871, a part of that money had been spent. I find, however, that in 1871, no very considerable part of the money had been expended on the Intercolonial Railway. Practically, therefore, we had this expenditure of \$22,000,000 staring us in the face, and in addition to that we had the policy of constructing and enlarging the canals of this country, involving a sum of at least \$20,000,000 more. In view of those obligations this country was committed to, we rushed into this agreement with British Columbia. Her autonomy was entirely annihilated, and she became a part of the Dominion of Canada. No sooner had the union been completed than, the year after, it became perfectly apparent those terms were impossible of fulfilment. Within two years, the term limited for the commencement of that road, although a million of dollars had been expended, no line had been found over any part of the vast country that lies between Lake Nipissing and the Pacific Ocean, that the Engineer-in-Charge felt he could fairly recommend to the Government of this country for the location of that line, : \$1,000,000 had been spent simply to find out the places to be avoided—in discovering those localities where the road could not be built. Practically no further information was obtained during those two years, after that large outlay of money. When hon. gentlemen reflect that the country was, at that time, practically committed to the construction of 600 miles of railway between Lake Nipissing and the western portion of Lake Superior, through a country entirely unknown, where not a single settlement existed from one end of it to the other, that it had not a single inhabitant except the trapper and the huntsman, and that it was the most inhospitable portion of the Continent of America—when hon. gentlemen consider the sums of money, and the time, that were exhausted in discovering a route through that country, and that, prac-

Hon. Mr. Scott.

tically, no information was gained other than it was extremely desirable to avoid it and abstain from locating a railway through that portion, they will conceive the nature of the undertaking. Explorations had also been made between Lake Superior and what is now called Manitoba, and the Red River. Of that section of country very little was known beyond the line that had been usually travelled by the Hudson Bay people and the voyageurs who passed to and fro between Lake Superior and the Red River country. Their line was limited to a route very close to that known as the Dawson Road, which consisted of a series of lakes and rivers by means of which they passed through that country lying between those two points. In British Columbia, practically, up to that time nothing had been gained—no information that has been found up to the present time of any practical value. Such was the condition of things when the present Government took office. One million dollars has been spent and no practical result had been obtained. British Columbia was protesting against the violation of the terms of the bargain. Being the weaker party, and so lately from the control and influences of Downing Street, it was but natural they looked in that quarter for protection against the strong party represented by Canada. They pleaded they had given up their independence under special circumstances, and had a right to demand that the bond should be faithfully observed. Hon. gentlemen are, no doubt, aware of the controversy which continued during the subsequent two or three years, and that the English statesmen who were more particularly charged with Colonial affairs rather favored the views of British Columbia. They felt there had been a breach of honor on the part of this country, and though they believed the bargain had been made with British Columbia on the understanding that Canada could carry it out without increased taxation on this country, and, although it was known our knowledge of the country lying between the Eastern Provinces and the Pacific Ocean was of so meagre a description that we would not be justified in rushing into the construction of the railway, still, after the decision of Lord Carnarvon, who had been referred to as umpire, we thought

Canada ought to give better proof of her earnestness and sincerity than she had in the past. I will not allude to the Carnarvon terms further than to draw attention to the fact that they were of such a nature that Canada was not in a position to ignore all reference to them. Our position was an extremely delicate one. We were in 1874-75 impressed with the belief that the terms were unwise for ourselves and British Columbia; that she, having become a part of Canada, it was not her interest to overweight this country and press for all that under the contract she was entitled to, but what, under the circumstances, it would have been very unwise for Canada to concede. I think this is the eighth year from the inception of the agreement with British Columbia, and we find ourselves to day not possessing, with regard to many sections of the proposed line of railway between this and the Pacific Coast, that full information which would justify us in going on with the construction of the road. Though the period seems a long one, if we compare it with works of less magnitude and the experiences of the past, we will find the period of eight years is a comparatively short one within which to have gathered sufficient knowledge to locate a railway through a country of which we knew so little anterior to our explorations. The Intercolonial Railway had been discussed for nearly a quarter of a century before surveys were commenced. The people of Canada and the Maritime Provinces for years and years had been discussing the time when the road would be built. Explorations were more or less made; the countries to the east and the west were both inhabited by a considerable population; the gap between, of which very little was known, was a space of probably three hundred miles; that would embrace all the unknown land between the eastern part of the Province of Quebec and the western part of the Maritime Provinces, of which we had not possessed some accurate information. Mr. Fleming was appointed Chief Engineer of that road in the fall of 1867, and he entered that winter vigorously on his work. It was, I think, January 1871 before Mr. Fleming felt he was in a position to advertise for tenders. We all know that the surveys were pushed forward with the greatest possible alacrity, that the Govern-

*Hon. Mr. Scott.*

ment were forced into action by the desire of the people on either end of the line to have the road under way at the very earliest period, because, in our compact we had made with the Maritime Provinces, we agreed in July, 1867, that the road would be finished in four years. The people who made that compact thought they knew enough of the surveys at that time.

Hon. Mr. MILLER—When was that compact made?

Hon. Mr. SCOTT—In the bargain with the Lower Provinces.

Hon. Mr. CAMPBELL—It was to be begun within a certain period.

Hon. Mr. SCOTT—My impression was that four years was the time limited for the construction of the road.

Hon. Mr. CAMPBELL—There was a time limit.

Hon. Mr. MILLER—The agreement was that the road should be built with all practicable speed.

Hon. Mr. SCOTT—It is not a matter of very great importance, but, if my memory serves me rightly, Mr. Fleming states in his report the time for completing the road was limited to four years. However, the four years had nearly expired before the work was actually undertaken. I merely mention this as an illustration that hon. gentlemen may comprehend the vast magnitude of the Pacific Railway enterprise as compared with one considered at that time of considerable importance in itself. The Intercolonial Railway is just 600 miles in length; the Pacific Railway is over 3,000 miles. One had the advantage of being in a country accessible at each end and with a fine water-way—the St. Lawrence—along side of it. The other was remote, in the interior of a country of which very little was known and practically inaccessible. In view of the experience we have gained, I do not hesitate to say that if the construction of the Pacific Railway were postponed for another ten years, probably in each year during those ten we would gather some experience that would be valuable to us in re-locating portions of the line. It is idle to say with certainty that the best possible route has been selected any more than to say the best route was chosen for the Intercolonial Railway.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. SCOTT—My hon. friend smiles. Would he say if the Intercolonial was to be located again it would be built by such a circuitous route, that there would be such a Grecian bend in it? Would he say that it would be located in such a way that in eight or ten years the construction of other and more direct lines would render it valueless as a commercial enterprise? My hon. friend tells us there have been very grave mistakes committed in carrying out this Pacific Railway project. It is idle to suppose that mistakes will not arise in the expenditure of large sums of money. A gentleman cannot undertake the construction of a house, under his own supervision, at a cost of \$10,000, without finding before it is completed that in some respects he could have done much better if it had to be built over again. So it is with railways; so it has been with the Intercolonial and so it will be with the Pacific Railway. We had an illustration of that only yesterday, when an hon. gentleman from British Columbia stated in his judgement it would be better to postpone the construction of the road in British Columbia for another year because a route had not been surveyed which in his opinion presented advantages and attractions far superior to any we have yet explored.

Hon. Mr. MACDONALD (Victoria)—I did not mention British Columbia, it was the North-West.

Hon. Mr. SCOTT—It meant the same thing. The line had practically to enter British Columbia at a different point, and the whole force of my hon. friend's observations was to induce the Government to carry the road to Bute Inlet, as compared with Burrard Inlet and the valley of the Fraser. It is quite obvious that was the point, because the hon. gentleman who sits behind him, and who resides in the valley of the Fraser, did not coincide with his views, thus showing, however we may attempt to rise above local prejudices, we are all more or less influenced by them, and we all, more or less, favor that particular line or selection that is in accord with our own feelings. We have another instance of a work of this kind and the great cost it has entailed—the Union Pacific. That was built on the plan which my hon. friend suggests ought to have been

*Hon. Mr. Scott.*

adopted in the construction of the Canadian Pacific Railway—that is, given to a company which should receive a subsidy of money and a grant of land. As we all know, the Union Pacific Railway had a very valuable grant of land—equal in value, probably, to any in the world, lands that had valuable mines, coal mines of vast extent and importance. In addition to that they had an issue of six per cent. bonds of the United States Treasury to the extent of \$57,000,000, and no sooner was that amount spent than the company applied to the United States Government for another issue of \$57,000,000. The Government did not, in the second issue, assume any responsibility, but it allowed the second issue to go in advance of the former securities they had taken on the line, placing them as we placed the Grand Trunk Railway security, behind other parties who came forward and took up the bonds of the road. A bill is now before Congress—and I may say it has been an event of annual occurrence since that road has been built—for better terms, and Congress has from time to time yielded to the powerful influence that such a railway has been enabled to bring on the politicians of the day; and at the present time, apart entirely from credit and lands and other advantages, the Company has received (and the United States Treasury has been depleted of) considerably in excess of \$100,000,000 in aid of that road, and we know very well that line ought to be, as a railway, one of the finest enterprises on the globe, going through a section of country to a great extent then populated, and terminating in one of the richest and most fertile sections of the world. The State of California may be regarded as one naturally of the richest countries on the face of the globe, not only from the enormous substantial wealth that comes from the bowels of the earth, but also from the vast quantity of cereals it is now producing, and with which it is supplying the hungry people of Europe. California is, therefore, a terminus for a railway of that kind which presents extraordinary attractions. With the trade they have built up with China, Japan, and the Eastern countries of Asia, and the immense intercourse with the Eastern States of the Union, there were obviously attractions and advantages that can in no case be claimed for the Canadian Pacific Railway.

Had we such a population on the Pacific Coast instead of the 10,000 white people we have in British Columbia, we might be more hopeful of the future. I merely throw out this as in some degree illustrating the ground I have taken, that this railway must necessarily entail a large expenditure on the people of this country. No doubt those who write the history of this Dominion will also write the history of a good many administrations that have seen the building of that road. It will be a fertile source of rocks.

Hon. Dr. CARRALL.—Fort Francis Locks ?

Hon. Mr. SCOTT—I am speaking of rocks, not locks — the breakers ahead that necessarily will crop up for any administration that is governing this country in years to come; for many administrations will come and go before the Pacific Railway proper, in Canada, is completed. I do not think it requires the eye of prophesy to foretell that. I have always thought so, and day by day I am confirmed in that conviction. We may within the limited time, be enabled to run a line across, the prairies, but to construct a line through the inhospitable and forbidding country north of Lakes Huron and Superior will, I say, take many a year, and very many administrations will have controlled the destinies of this country before we see any of that portion of the line in operation.

Hon. Mr. KAULBACH — Forty years my hon. friend prognosticated.

Hon. Mr. SCOTT—That was an idle prophesy, which, I fear, may come near the truth. The policy of the present Government to avoid constructing the 600 miles of road north of Lakes Huron and Superior, and to use the water communication as far as Thunder Bay, has saved the country the enormous expense of building that section. The hon. gentleman (Mr. Read) criticizes the mode of building this road. I suppose he thinks we should either let the contract without making any surveys, as was at first contemplated, or should go on and complete the surveys before expending anything in construction. I should like the hon. gentleman to call to mind the criticisms and strictures that were passed on this Government because we let the Georgian Bay Branch without a survey, because in

*Hon. Mr. Scott.*

that particular case we tried the experiment of letting some forty or fifty miles in that way.

Hon. Mr. CAMPBELL—Because that was the last piece of road that was necessary.

Hon. Mr. READ—The contract was for 105 miles.

Hon. Mr. SCOTT—Because we allowed that to be commenced under the principle laid down by the late Administration, we were severely criticized. I will not advert to what everyone knows was the result of that experiment. We had to take the contract off the hands of the contractor. So it would have been, only in a much greater degree, and, more magnified form, had the proposition that the hon. gentleman suggested to be the true one, of giving any company the construction of a road through a country of which they really knew nothing. The illustration of the appeals made to Congress may very well be quoted as what would have been done in Canada, only to a greater degree, because the people of the United States knew very much more of the route of their Pacific Railway than we did of ours in 1871. Emigrants had been in the habit of passing in thousands through that country, year after year; the two ends of it were well known, and the gap with which the people were less familiar, was comparatively small. Therefore, the policy of this Government was, before any portion of it should be submitted for construction, to at least locate the line. As against that, it is very well known the Government were urged at all events to go on and give some earnest of their intention to build the road. Our comparative inaction in seeking first to find the best line was, construed into a desire to practically postpone the fulfillment of the agreement with British Columbia. In the Sessions of 1874 and 1875, hon. Senators from British Columbia, and other hon. gentlemen expressed the belief that the Government ought to have given some greater evidence of their sincerity than they were then doing—that at least some part of the road should have been put under contract. If hon. gentlemen will read the correspondence between British Columbia and the Colonial Office, they will find that

was the view also of Lord Carnarvon. He told us we should do something to satisfy the people of that Province, and give them proof of our sincerity. I confess in our anxiety to meet that view, we did recommend to Parliament the construction of that part of the contemplated line, on Vancouver Island. That was also proposed, because we believed the people of British Columbia were entitled to compensation, and it was thought, as the construction of the main line had to be so long postponed, the Esquimalt and Naniamo end might be gone on with. This House thought differently, and I am not going to criticize that decision. In view of circumstances and the experience of the country of late years, that action may have been wise and prudent.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—It has no doubt saved this country a considerable sum of money. At all events, it was undertaken under peculiar pressure, in obedience to —I will not say] clamor—the earnest appeals that were made by the people of British Columbia, and their friends on the other side of the Atlantic. Conjointly with that, and before the Bill was defeated in this House, 5,000 tons of steel rails were ordered for British Columbia. Had that Bill been introduced and defeated the year before, of course the rails would not have gone there.

Hon. Mr. KAULBACH—Was not the Bill defeated in the Senate before the order was given for the rails?

Hon. Mr. SCOTT—I think the correspondence shows it was before that they were ordered.

Hon. Mr. KAULBACH—I think the order was given after the defeat of the Bill.

Hon. Mr. SCOTT—That was in the end of April, and the order for steel rails for British Columbia was a matter of discussion two months before that.

Hon. Mr. AIKENS—The rails had not been shipped.

Hon. Mr. SCOTT—Now, with reference to the route, the Government thought proper to drop the 600 miles lying between Lake Nipissing and Lac des Mille Lacs. In view of that, they decided

Hon. Mr. Scott.

to subsidize the Canada Central Railway and build the Georgian Bay Branch. They believed Lakes Superior and Huron presented all the advantages for transport that the Pacific Railway could afford; that the traffic would be practically summer traffic, and that the country could be saved the expense of building 600 miles of railway. The road from Thunder Bay to Selkirk has been pretty thoroughly discussed, and I need not refer to it again. The hon. gentleman who seconded this motion did advert to that portion of the line west of Selkirk which is located by the Narrows of Lake Manitoba. He has argued very ably and eloquently, as the hon. gentleman no doubt was bound to do, in defence of his views that the line should be carried south of Lake Manitoba. The Committee which had this subject under discussion last year suggested that an enquiry should be made as to whether a practical route could not be found south of the lake. I desire to refer hon. Senators to the report of the gentlemen deputed to examine that southern route and their conclusion upon it. They say, however desirable and eligible a line would be on the south of Lake Manitoba for 100 miles west of Selkirk, between that and the further point where it joins the present located line, there are obstacles of a very grave character, that the wide valleys preclude the possibility of building a line in that direction.

Hon. Mr. AIKINS—I don't think the report stated that the valleys were so wide as to preclude the possibility of building that line.

Hon. Mr. SCOTT—The reasons are given by the gentlemen who were deputed to explore that country, in the Minister's report for the present year. The hon. gentleman devoted the greater part of his speech to what he called the jobs in connection with the steel rails and the nuts and bolts, and, therefore, I shall have to go over that ground. I shall do so as expeditiously as possible, and advert simply to points which I think will satisfy the hon. gentleman the action of the Government in this purchase was a perfectly honourable and proper one. The first paper I shall read on the subject is the following from Mr. Fleming:—

" CANADIAN PACIFIC RAILWAY,  
 " OFFICE OF THE ENGINEER-IN-CHIEF,  
 " OTTAWA, March 24th, 1876.

MEMORANDUM—STEEL RAILS.

" During the summer of 1874, advices from England showed a great decline in the price of steel rails. It was generally considered that they had all but reached the lowest rate, and that an excellent opportunity presented itself of providing a quantity of rails at lower prices than they could in all probability be obtained for at any future period."

" Early in August, 1874, the Chief Engineer mentioned the matter to the Minister of Public Works, and advised that steps should be taken to secure such quantity as might be deemed advisable. On the 13th of the same month he renewed his recommendation, and furnished a draft specification to be acted on if thought best.

" The Chief Engineer was absent from Ottawa until near the end of September, when he again renewed his recommendation to secure the rails.

" A notice calling for tenders on the 8th of October, was advertised on the 29th of September. On the 3rd of October, the time was extended for receiving tenders until the 16th November, and specifications, dated October 3rd, were printed; by the latter, a copy of which is attached hereto, it was provided that tenders would be received on the 16th November, following.

" It was felt that to advertise for tenders for rails for the Pacific Railway, or for any considerable portion of it, would defeat the object in view, viz :—to secure rails at a low rate, and, hence the character of the advertisement and specifications,—' Pacific Railway ' is not mentioned in either, and tenders for a large quantity are not invited.

" Tenders for the delivery of 350,000 tons were received, the prices ranging from \$53.53 to \$82.73 per ton, delivered in Montreal.

" The average rate was \$57 per ton.

" The lowest tenders were :—

From Cox & Green, for West Cumberland Co .....	\$53.53 per ton
From Jos. Robinson, for Ebbw Co.....	53.53 "
From Cooper, Fairman & Co., for Mersey Co.....	54.26 "
From Post & Co., for Guest & Co.....	54.62 "

" Contracts were entered into with these parties at the above prices for all the rails they were willing to deliver, viz :—

West Cumberland Co.....	5,000 tons
Ebbw Vale Co.....	5,000 "
Mersey Co.....	20,000 "
Guest & Co .....	10,000 "

Total..... 40,000 "  
 Hon. Mr. Scott.

" In addition to the above, it was arranged to accept the most favorable terms for the delivery of rails f. o. b., in England, for transportation to British Columbia. Accordingly contracts were made as follows :—

" West Cumberland Company, F. O. B., 5,000 tons at.....	\$48.67 per ton
" Naylor, Benson & Co., 5,000 at.....	51.10 "

" It may be stated that it is no uncommon occurrence to secure rails for a great public work in advance of the time that they can be used.

" The case of the Intercolonial Railway might be mentioned. On the 21st November, 1870, tenders were received for steel rails, and it was stipulated that they should be delivered as follows :—

6 000 tons must be ready for shipment not later than 15th March, 1871.
6,000 tons by the 15th July, 1871.
10 000 tons by the 15th March 1872.
10 000 tons by the 15th April, 1872.
8,000 tons by the 15th May, 1872.

40 000 tons—Total 1872.

" Thus, it will be seen that 12,000 tons were to have been ready by the 15th July, 1871, while the quantity actually laid during the whole of 1871 was only 1,092 tons.

" Again, the whole 40,000 tons required for the Intercolonial Railway were to have been ready by the 15th May, 1872; while the quantity actually laid eighteen months afterwards, viz : to the end of 1873, was less than 15,000 tons, and the whole quantity contracted for in 1870, was not actually used before the end of 1875.

" The geographical position of the Pacific Railway is so different from that of the Intercolonial, that there is far greater necessity for an early purchase of the rails in the one case than the other.

" On the Intercolonial, the line can be approached by sea-going vessels at many points, while the Pacific Railway is a long way inland, and it is consequently a difficult and expensive matter getting the rails taken forward to points where they can be used, involving a great deal of delay.

" It is not always advisable to wait until an article is wanted before it be secured—an enormous additional expense may be, and often is, the consequence of such a policy.

" In building railways, a degree of foresight is indispensable. This is especially the case in a railway situated like the Pacific line. If the purchase of rails was put off until the roadbed was ready for them, a much larger price would almost certainly have to be paid, not only for the rails, but also for their transportation.

"There can be no doubt that the mode and time of purchase of the rails was by all considered most judicious. In the public interests nothing could have been more carefully considered."

"If it should have turned out contrary to all expectations that the price of rails has not rebounded to its former high rate, this circumstance cannot in any way detract from the provident intention of the whole transaction."

"(Signed),

"SANDFORD FLEMING,  
"Chief Engineer."

Had the purchase of Intercolonial rails been put off about a year, the increase would have been about £2 per ton, which would amount to \$400,000; if put off two years the increase, £5 per ton on the whole purchase, would amount to \$1,000,000. I would direct the attention of hon. gentlemen to the prices paid for the Intercolonial Railway steel rails by the late Government. They paid to the Barron Steel Company at the rate of \$58.30 per ton for 37,585 tons, delivered in Canada; to the Ebbw Vale Company, \$60.07 per ton for 7,000 tons; and to Hawes & Co. as high as \$80 per ton.

Hon. Mr. PENNY—Was there any contract for that?

Hon. Mr. SCOTT—The latter, I believe, was without tender, and there was 2½ per cent. on one side, and 4½ on the other side for commission. I have read to the House the recommendation of Mr. Fleming, the Engineer-in-Chief of the Pacific Railway, in which he had urged upon the Premier in an earnest manner the advisability of buying steel rails for the road at a time when rails were lower than they had ever been known to be before. He had also urged his experience in connection with the Intercolonial Railway, where, if the rails had not been ordered long in advance of the time they were required, a much larger sum would have been necessary to purchase the amount that was wanted for the road.

Hon. Mr. KAULBACH—Did Mr. Fleming recommend the purchase of any particular quantity?

Hon. Mr. SCOTT—He does not say anything about it in this paper, but I have no doubt he was fully aware of the amount that was being contracted for. The hon. gentleman seems to think that the publication of the advertisement calling for tenders was too short, although the

Hon. Mr. Scott.

notice was extended six weeks from the expiry of the first notice. The Minister himself seems to have thought eight days' notice was too short, and he extended the time another six weeks.

Hon. Mr. MACPHERSON—Was it not at the suggestion of houses in Montreal?

Hon. Mr. SCOTT—I do not think so, but probably it would not have made any difference if they had not suggested it. All the houses who were engaged in the steel rails business had their agents in Montreal, and were in daily communication with the head offices, so that an extended notice was not necessary.

Hon. Mr. MACPHERSON—There were twenty or thirty competitors for the contract in consequence of the extension of time.

Hon. Mr. SCOTT—I do not think it militates against the position of the Government in any sense. The Premier was only too glad to consider any suggestion that in the opinion of practical men was necessary to give the manufacturers ample notice. The tenders that came in afforded most conclusive evidence that the manufacturers all over the world had ample notice. There were upwards of thirty companies tendered for the contract, chiefly from England, some from the United States and one from Belgium. The quantity offered was 350,000 tons, showing that we had the best markets to choose from. Although the hon. gentleman alluded a great deal to Cooper, Fairman & Co., I do not think he endeavored to establish the point that their tender on behalf of the Mersey Company, as their agents, could in any way be criticized. I explained just now that their's was one of the low tenders; that it was a few cents higher than Cox & Green's proposition; that the latter would not agree to take a contract to supply a larger quantity than 10,000 tons, and that it had been necessary to take the next highest tender and give them the balance.

Hon. Mr. READ—If the hon. gentleman will show any correspondence to the effect that Cox & Green were ever asked to take the whole quantity, and declined, I would like to see it.

Hon. Mr. SCOTT—I do not desire to delay the House by turning up the auth-

ority now, but I am quite satisfied that they were made the offer; I am satisfied that the Premier made the statement in the other Chamber that Cox & Green were asked to take the whole quantity, and they had declined. Mr. Workman had been authorized to make that statement also.

Hon. Mr. MILLER—They had been told in the meantime that the quantity would not be wanted.

Hon. Mr. SCOTT—I think not.

Hon. Mr. MACPHERSON—They were telegraphed to on the 22nd of December that no more steel rails were wanted.

Hon. SCOTT—That was after the date for receiving tenders had expired. The tenders had to be dealt with when they were received. Hon. gentlemen who have the statement before them will see that those tenders were the lowest and the Minister was advised to accept them. The statement of Mr. Fleming to that effect will be found in the blue book. I do not know whether the hon. gentleman imputed any impropriety there?

Hon. Mr. READ—I did not impute any impropriety in awarding the contract for 20,000 tons to Cooper, Fairman & Co. for which they had tendered, but I do impute improper conduct in giving them a contract for 5,000 tons more without tenders being called for.

Hon. Mr. SCOTT—I understood the hon. gentleman's charge to be that Cooper Fairman & Co., received a contract for nuts, bolts and fishplates without tenders being asked for. The greatest point I understood him to make was that the contract for the nuts and bolts was originally allotted to the Mersey Company, and that it had subsequently been given to the Patent Nut & Bolt Company. The explanation of it is this:—Under the specification no tender for rails could be accepted unless the parties tendering were prepared to furnish the proportionate quantity of fishplates, bolts, and nuts, as provided in the following clauses in the specification:—;

"Tenders to be for not less than 5,000 tons of rails, with the proportionate quantity of fish-plates, bolts, and nuts."

\* \* \* \* \*

"In the delivery of the rails the proportionate quantity of fish-plates, bolts  
Hon. Mr. Scott.

and nuts must be made with each shipment, or previously."

That was a *sine qua non*. The printed return shows the proposition of the Mersey Company to have been as follows:—

"PUBLIC WORKS OF CANADA.

TENDER FOR FISH-JOINTED BESSEMER STEEL RAILS.

"The undersigned hereby tender to deliver on the wharf, at Montreal, during the season of navigation, in the year 1875, in accordance with the annexed specification and conditions, five to ten thousand Bessemer steel rails, with proportionate quantity of fish-joints, at the following rates;—

Per ton of 2,240 pounds—Bessemer steel rails and fish-plates at £11 3s. 0d. sterling; iron bolts and nuts at \$101 currency.

The undersigned are ready to enter into contract for the manufacture and delivery of the above rails and fastenings, or so much thereof as may be required, and will satisfy the Minister of Public Works as to their ability to complete contract.

"The Mersey Steel and Iron Company,  
"of Liverpool.

"Per COOPER & FAIRMAN,  
"Agents,  
"Montreal."

It was in accordance with the clause of the specification to which I have already referred, that tender was accepted by the Department, in the following letter:—

"GENTLEMEN,— "OTTAWA, 2nd Dec. 1874.

"The tenders you have made on behalf of "The Mersey Steel and Iron Company" of Liverpool, for the supply of steel rails, &c., having been accepted, I am directed to send you the enclosed draft articles of agreement, and to request you to have the kindness to have them executed by the Company, and to then return them to me.

"I have, &c.,  
"(Signed), F. BRAUN,  
"Secretary.

"Messrs. COOPER, FAIRMAN & Co.,  
"Agents, Montreal."

Hon. Mr. READ—There is nothing about nuts and bolts there.

Hon. Mr. SCOTT—The specification on which they tendered was just the same as that sent to all the others, and nothing is said about the nuts and bolts in accepting any of the tenders.

Hon. Mr. READ—The West Cumberland Company did not furnish them.

Hon. Mr. SCOTT—They undertook to furnish them as the specification required, and the contracts were given only to parties who agreed to furnish the rails and the proportionate quantity of fish-plates, nuts and bolts with them. In the Mersey Company's proposition, the nuts and bolts were tendered at a certain price, and the Government accepted that proposition. I have established that it was part of the specification that the contract for the fish-plates, nuts, and bolts, should go only to the parties who supplied the rails. The object was that they should be made to fit the rails, and in order that no mistake might arise, it was provided that the maker of the rails should also furnish the connections to bolt them together.

Hon. Mr. MACPHERSON—That is not in the advertisement calling for tenders.

Hon. Mr. SCOTT—It is in the specifications that were sent to all who applied for them, and any proposition that did not conform to those specifications was not a tender and could not be accepted by the Department. Had any other course been taken; if the Department after issuing those specifications had accepted rails from one party and nuts and bolts from another, the hon. gentlemen opposite would have been the first to condemn the Government, and they would have very justly considered it was highly improper for the Government not to hold themselves bound by their own terms. Cooper, Fairman & Co. acting for the Mersey Company tendered on that specification, and offered to supply the fish-plates, nuts and bolts for \$101 per ton, and that offer was accepted. Subsequently when the contract came in from Cooper Fairman & Co., the Department discovered that the company had struck out this item, whereupon Mr. Braun wrote them as follows:—

"OTTAWA, 18th February, 1875.

"GENTLEMEN,—The supply of bolts and nuts required in connection with the contract of the Mersey Steel and Iron Co., for 20,000 tons of steel rails required by the Government of Canada, having been omitted from the contract, I am to acquaint you for the information of said company, that their tender for the same at \$101 per ton, delivered at Montreal at the same time as the rails, is accepted.

"I have, &c.,

"(Signed), F. BRAUN,  
"Secretary.

"Messrs. COOPER, FAIRMAN & Co.,  
"Montreal."

Hon. Mr. Scott.

On the second March following, Cooper, Fairman & Co., wrote to the Department the following letter:—

"MONTREAL, 2nd March, 1875.

"DEAR SIR,—In the contract for steel rails, &c., with the Mersey Steel and Iron Company, they make strong objections against having bolts and nuts included in their contract, and they were accordingly left out. The price was to have been (\$101) one hundred and one dollars per gross ton, delivered in bond at Montreal."

"We, as agents for Messrs. Robb & Co., of the Toronto Bolt and Nut Works, beg to supply the Laird bolts and nuts as per sample bolt, to be furnished by the Inspector, Mr. C. P. Sandberg of London, the price to be (\$101) one hundred and one dollars per gross ton, duty paid, delivered in Montreal or Toronto.

We are, dear sir,  
Yours, &c.,

(Signed),

COOPER, FAIRMAN & Co.,  
Agents for Robb & Co.  
The Minister of Public Works,  
Ottawa.

Now, I ask hon. gentlemen whether the Government or the Minister of Public Works in deciding to accept that proposition did not follow the course that any other gentleman under similar circumstances, would have pursued? Here was a proposition by the agents of the Mersey Company to fill a contract according to specification. When the time comes the agent says the company are not prepared to carry it out, but another company, having their headquarters in Toronto, are prepared to take their place; not only are they prepared to give the fish plates, nuts and bolts for \$101 per ton, the same price at which the Mersey Company offered them, but to deliver them duty free.

Hon. Mr. MACPHERSON—What was the duty?

Hon. Mr. SCOTT—Five per cent.

Hon. Mr. McLELAN—On rails?

Hon. Mr. SCOTT—No; only on fish-plates, bolts, and nuts. So that it made a difference of \$5.05 per ton in favor of the Government. The Minister, having no other proposition before him, allowed the fish-plates, bolts, and nuts to be furnished through the same agent, who had the contract for the rails, at a less price. But the hon. gentleman says, "There was an independent bid from Mr. Darling, of

Montreal, for these fish-plates, etc." My answer is this: Mr. Darling did not put in a tender in conformity with the specification. He dropped the steel rails altogether, and put in a tender for the fish-plates, bolts, and nuts only, although the specification required that the parties who furnished rails should also supply a proportionate quantity of fish-plates, bolts and nuts. As Mark Twain says, "When all this matter is boiled down, we will see how very little there is in it." Mr. Darling's tender was one that could not be accepted. He coupled it with a number of conditions that could not be acceded to, as will be seen by his letter:—

"30 ST. SULPICE STREET,  
MONTREAL, 16th Nov., 1874.

"SIR,—In reference to the tenders for rails and fastenings asked for in your circular of the 3rd ult., we regret to say, that as regards rails, a reply has not reached us, although we have reason to suppose it has been despatched, and we look for a communication by telegraph on the subject from hour to hour.

"As to fish-bolts and nuts, we are prepared to supply them, delivered on the wharf here, at £19 sterling per ton of 2,240 lbs., no charge for packages, with the understanding that we pay no duty upon the goods, and that the Government assume all the risk that cannot be covered by the ordinary policy of insurance. Payment to be made in accordance with terms mentioned in your circular.

"Immediately on receipt of a reply regarding rails, we shall take the liberty of communicating with you on the subject.

"We are yours faithfully,

"(Signed), WM. DARLING & Co.

"F. BRAUN, ESQ., Secretary,  
Public Works Department,  
Ottawa.

"In explanation of the risk referred to, of which we desire to be held free, we may say, that under the ordinary policy of insurance, damage by sea-water where the ship is not burnt or stranded is at the owner's risk. Such risk may be insured against by a policy covering 'all risks': that is not usual, and would involve an additional expense of about two per cent. If it be desired to have the goods insured 'all risks,' we would undertake to do so, charging the difference in the premium, as compared with the premium free of particular average, this would make the price about £19 7s. 6d. per ton."

That is the proposition of Mr. Darling, who agrees to furnish fish-plates, bolts and nuts at \$94.28 per ton, independent of the rails. Some companies who furnished

*Hon. Mr. Scott.*

rails were paid for fish-plates, bolts and nuts as high as \$114 per ton. My hon. friend took no exception to that, although one company was actually paid \$117 per ton. But it did not suit the hon. gentleman to refer to that case, as he could not make a point out of it; but because Cooper, Fairman & Co.'s position was peculiar, he seeks to throw discredit upon this transaction. Taking the rate of exchange at 9½, Mr. Darling's offer would be \$94.28 per ton for fish plates, bolts and nuts. The price paid to Cooper, Fairman, & Co., taking the duty off in order to make both equal, would be \$95.05 per ton, which would practically be a difference of 77 cents per ton between those two tenders. If hon. gentlemen will follow me out a little further they will see what this amounts to. Taking the difference of 70 cents per ton on the whole quantity, between the lowest tender and the price paid, it would only amount to \$122.20, on which sum Cooper, Fairman & Co. would be entitled to about \$5 as their commission. When we consider all that has been said in reference to this transaction; after all that we have heard in this Chamber, on the hustings, and through the press of the country, charges of corruption and improper collusion with Cooper, Fairman & Co. in reference to those nuts, bolts and steel rails, hon. gentlemen will be surprised, after it has been thoroughly analyzed and the truth has been got at, to find that there is only a matter of four or five dollars concerned in the whole transaction. Hon. gentlemen want a scandal badly when they have to fall back on such a small piece of business as this. I think it has been decided in the Court of Chancery in England that the sum of money improperly obtained by one of the contractors for steel rails on the Intercolonial Railway was \$50,000, and a judgment had already been rendered against the parties.

Hon. Mr. CAMPBELL—How does that bear on this question?

Hon. Mr. SCOTT—It was a steel rails' purchase.

Hon. Mr. DICKEY—This is a Pacific Railway Scandal.

Hon. Mr. SCOTT—The whole secret of this alleged collusion between the Minister of Public Works and Cooper, Fair-

man & Co. is the allegation that the Minister's brother has been in some way interested with Cooper, Fairman & Co. That has been repeated over and over again, notwithstanding that from the first hour that the statement was made, the Minister himself denounced it as a lie, and telegraphed a contradiction to Montreal. From that day to this those gentlemen who have repeated so frequently the statement outside,—although they meet him in the House of Commons, where there is as strong a party feeling to-day as can possibly exist in any Legislative Assembly—have not dared to put forward the allegation that there was any impropriety whatever between Cooper, Fairman & Co. and the Minister in relation to the Premier's brother. Ample opportunity was afforded to thoroughly investigate the whole matter by calling for a committee and summoning witnesses to be examined under oath, but it did not suit the purpose of hon. gentlemen opposite to do so.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—The Premier of this Dominion has been slandered throughout the length and breadth of the land, because those who made the allegations did not dare to prove them. They knew if they attempted to do so they would be deprived of the slender consolation of repeating their slanders throughout the country.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—They knew if they had brought it up it would have been met at the very outset by a refutation, and they would have been deprived of the little advantage which in their own estimation they have, by circulating an untruth of this kind. The gentleman attacked, is, of course, the Premier, and let us see what he said of it at a public meeting in the city of Montreal:—

“ You referred to-night, Mr. Chairman, very briefly to the steel rail business—(hear, hear and laughter)—and the result of it in Montreal was that one man who seemed to deserve it was ridden upon a rail himself. (Laughter.) Now, Sir, I have a word or two to say about that, because I see that some papers not friendly and some papers that are friendly have mistaken one portion of my letter. The newspaper charge was that I bought from a firm in Montreal, of which my brother was a member, 40,000 tons of steel rails. My reply was that I did not buy rails from any firm in Montreal; that tenders were publicly advertised for, and contracts were given out after more than a

Hon. Mr. Scott.

month's notice. I stated simply in addition, not that it was at all necessary to the other part, that besides this, no brother or relation of mine ever in any way, directly or indirectly, received or would receive one cent profit (Hear, hear.) Now, mind you, the charge was that I bought them of a firm in Montreal, and my denial was that I did not buy them from any firm in Montreal. The course was pressed upon the Government by Mr. Sandford Fleming, in consequence of the exceedingly low state of the market. After considering the matter for some days I acceded, and the quantity was subsequently increased, owing to the then favorable state of the market. If there was a fair transaction, upon this earth it was this transaction and these people know it, and when I said the statement in the *Gazette* was “ a deliberate falsehood ” I said it because Mr. White knew that tenders were on the table of the House of Commons weeks and months before a single rail was shipped in England or delivered in this country—(loud applause)—and the attempt to make a side assertion as to whether my brother was legally or illegally a partner, was a most reckless one. (Hear, hear.) I hold that he had a perfect right to be a principal of the firm who took the contract; he had as good a right to contract in his own name, individually, if he thought proper, as any one in the Dominion, and I vindicate that right; but I said in the communication, as a matter of fact, that he was not interested, not as a matter that wanted defending. (Hear, hear, and applause.) I see that it has been stated since, that it was a bad transaction. Well, that is fair criticism. I believe it was a very good transaction. (Laughter and applause.) “ Well,” it is said, “ they were bought too soon.” I don't think they were. (Applause.) If we had succeeded in getting the Minnesota people to lay their portion to the boundary, the rails would at this moment have been laid down to Winnipeg. We will be able next year to lay 100 miles of these rails between Lake Superior at a cheaper rate than ever a railway was built on this continent. (Hear, hear.) Still I don't object to criticism on the policy of buying the rails; I admit it is fair criticism, and I am prepared to meet it on the floor of the House of Commons. (Loud applause.) That I don't object to; but I do object to insinuations against a Minister or Administration, upon supposition. (Hear, hear.) It was worse than that, for they knew what they were saying. (Hear, hear.)”

Now, if we turn to the Commons *Hansard* of 1876, we see that the Premier again refers to the matter in the following terms:—

“ In an article published in the Montreal *Gazette*,” he had been charged with purchasing 40,000 tons of steel rails from a firm in that city, of which his brother was a partner. He had characterized the statement then, as he did now, as a deliberate falsehood. He considered a purchase meant going into some person's office, and buying a quantity of anything at a price agreed upon, there and then; but

this was no more a purchase than the contracts given out on the canals. Tenders had been deliberately advertised for and received, and contracts were entered into with those who offered to supply the rails at the lowest prices. The practice of his Department was to let his chief officers open the tenders, and it was only when the tenders were afterwards brought before him with the recommendation of his chief officers that they were dealt with. He invariably took the lowest, and in accordance with that practice Mr. Trudeau placed himself in communication with Messrs. Cox & Green, the lowest tenderers, and they were offered the whole lot at the same price, but they refused to take them. They then passed on to the next lowest. It was the usual practice of iron firms in England to act through agents in this country. The Government did not receive a single tender from any of the principals in England. There were two from manufacturers in the United States. He believed all or nearly all of the tenders were sent in through agents.

“Mr. Workman—I sent mine in my own name.

“Hon. Mr. Mackenzie—Said he had declined to make any contracts with agents. The contracts were sent to England for approval, and deposits were made as security for the performance of them, and then they were signed. Greater care could not possibly have been taken to guard the public interest and ensure the fulfilment of these contracts.

“As to the wisdom of making the purchase at that particular time, he would say that he had been guided by the views of prominent officers in his Department, when they at all accorded with his own, and he had never seen any reason to deviate from the rule. The Chief Engineer had advised the purchase as absolutely necessary. They discussed the matter for many days, and he came to the conclusion that the Chief Engineer was right.”

Now let us see what Cooper, Fairman & Co. said, when this allegation first appeared, that Charles Mackenzie was a member of the firm when they tendered for the steel rails. They wrote to the *Montreal Gazette* the following letter:

“To the Editor of the Gazette.

“Sir,—With respect to the charge made by Mr. White against the Hon. Alexander Mackenzie, of having favored Mr. Chas. Mackenzie by improperly awarding a contract for steel rails to the firm of Cooper, Fairman & Co., in which firm the said Mr. Charles Mackenzie was interested, we wish to state distinctly that Mr. White's assertion is totally and unquestionably untrue. Mr. Charles Mackenzie was interested in the late firm of James Cooper & Co. in 1872, and for a time in the firm of Cooper, Fairman & Co., but he ceased to have any interest in the latter sometime ago, and has never benefited by, nor participated in the  
*Hon. Mr. Scott.*

slightest degree in any of the contracts to which Mr. White alluded. So far as Cooper and Fairman are concerned, we would state that they have merely acted as agents in all these transactions, the contracts having been awarded to large firms in England, from which firms all the tenders to the Government came direct. Far from having been favored in these awards, we know of two other houses who obtained contracts at higher prices than those given to the English houses which Cooper, Fairman & Co. represent, this being the best possible proof that these latter were justly entitled to the award of contracts on their own merits.”

“COOPER, FAIRMAN & CO.”

Subsequently the charge was renewed, and the following letter was received by the firm in reply:—

To the Editor of “The Gazette.”

“Sir,—Your article in reference to our firm makes us once more, and for the last time, recur to the matter. You say that the dissolution of the firm in which Mr. Charles Mackenzie was a partner, has not been registered. That turns out to be true, by the oversight of the professional gentleman who had the matter in hand. The failure to register from the same cause is known not to be unusual, and, if you had looked a little further, you would have found evidence of the truth in the registration of the new firm without Mr. Charles Mackenzie's name being in it. Owing to the absence of our Mr. Fairman in England from the months of December to March last, it was impossible to take the formal steps for closing the partnership, long before determined upon, till the 30th April last, so that Mr. Mackenzie was nominally a partner until that time, but, we repeat, he had no interest whatever in our business since December last. And we wish you, and the public to understand the contract made by the Canadian Government was made direct with the Mersey Steel and Iron Company, and the payments are made to them in London, England, by the representative of the Canadian Government. We are employed here by the Mersey Steel and Iron Company to receive the rails, pay the ocean freights, and make proper delivery to the Government on behalf of the company, and are not known in any other capacity to any member of the Dominion Government, and we would further state, in conclusion, that no portion of our commission was earned or received until long after Mr. Mackenzie had ceased to have any interest in our business.”

“COOPER, FAIRMAN & CO.”

The whole thing was discussed; it was shown that the whole attack was made under the hollow guise that the dissolution of partnership had not been registered. It is very unfair that a gentleman occupying the position of Premier of this country, after denouncing this charge as an unqualified falsehood when it first ap-

peared, should continue to be slandered by gentlemen in the way that he has been, unless they were prepared on the floor of Parliament to ask for a committee to enquire into the truth of their allegations and summon witnesses and haer their evidence under oath.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—The Premier himself would never have refused it. He would gladly have sent it before a committee where it could have been thoroughly analyzed so as to remove any doubt that might exist in the minds of the most prejudiced as to the propriety of this whole transaction. But it did not suit the purposes of those who deal in miserable calumnies of this kind to have the unvarnished truth come out freed from falsehood. I think it was due to his position—apart from his being leader of a great political party in this country—that whatever our political feelings may be towards each other we ought not to throw discredit upon the character of the men who are charged with the administration of our public affairs, unless there is some foundation upon which to base the charge.

Hon. Mr. TRUDEL—Was not the fact of the non registration of the dissolution of partnership sufficient ground for stating that Mr. Charles Mackenzie was still a member of the firm of Cooper, Fairman & Co.?

Hon. Mr. SCOTT—Not after it was explained—and the hon. gentleman knows it as a lawyer—that there are often circumstances beyond the control of professional men charged with the management of such matters, to prevent the registration from being made until long after such dissolutions take place. The dissolution in this case had been made before this steel rails contract had been given, and the new articles of partnership between Cooper, Fairman & Co. had been registered, in which Mr. Charles Mackenzie's name did not appear, long anterior to that date.

Hon. Mr. TRUDEL—If an action had been taken before a court against that firm previous to the registration of the dissolution of partnership, would it not have been sustained against Charles Mackenzie as a partner?

Hon. Mr. SCOTT—We are not discussing a hair-splitting question as lawyers

Hon. Mr. Scott.

now. I am discussing it on a very much broader ground, as a question affecting the integrity of the Premier of this country, a question that will recommend itself to every unprejudiced mind, that no charge should be made against the character of our public men unless there is the very best grounds for doing so.

Hon. Mr. TRUDEL—I quite agree with the hon. Secretary of State when he speaks of the consideration that is due to the Premier, and I would be very glad to see the same consideration extended by hon. gentlemen to some other Premiers who are as worthy of it as Mr. Mackenzie.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—I first took this case, and I dissected it as if Mr. Charles Mackenzie had been a member of that firm, and I ask the unprejudiced members of this House whether there was anything in that transaction that justified the allegations of collusion, or that any corrupt motive had been exhibited in awarding the contract to Cooper, Fairman & Co. ? I took the broad ground that, assuming he was a member of that firm, was there any impropriety in awarding them the contract for those fish-plates, bolts and nuts at a rate of \$122 above the lowest tender, by which they were benefited only some four or five dollars as their commission? I then showed that the dissolution of partnership had taken place anterior to the time of the transaction with the Government, and a new partnership had been signed and registered, and Mr. Charles Mackenzie's name was left out.

Hon. Mr. TRUDEL—Still that did not change the position of the firm before the public.

Hon. Mr. SCOTT—But the firm were in a position to deny the partnership. Mr. Mackenzie denied it, and everybody connected with the affair denied it, and no more unqualified contradiction could have been given to the assertion. I say that after all those denials I do think it is most unfortunate that this thing should be repeated here over and over again, as if it had never been answered or refuted, or as if an explanation had never been given; in fact, as if the parties most affected were not prepared at any time to allow a committee of the House to be struck, and the most searching enquiry to be made into the whole transaction. It

is most unfortunate that public affairs have come to such a pass that the character of the Premier should be assailed on so slight a suspicion. He is the chief man of the country, and while he is in that position he ought at least to have the halo of a good name and a good fame thrown around him by the people of Canada, provided nothing can be established to damage or destroy his reputation. Flying rumors ought not to be taken, or reports that any prejudiced mind chooses to start should not be accepted as gospel truth, especially after they are denied at the very outset, and after the closest enquiry is challenged. It was the duty of the parties who made this charge when the challenge was given, to call for a committee of enquiry. But has this statement ever been brought face to face to the Premier in the other Chamber? It never has been to this hour, and that I think ought to be the best and most reasonable proof that the gentleman who made the charge did not believe it had any foundation. There are a great many other points in this question, but I have dealt at considerable length with them already, and if I have left anything unexplained, at a future stage of the debate I may return to it. I will not go over the ground again, because I know it is not a subject sufficiently attractive to the House to occupy their time at any length. I have endeavored to be as brief as possible. I am quite aware that I might have given very much fuller explanations of the position I have taken, but I am not one of those who are prone to enlarge and dilate too much upon matters which hon. gentlemen and themselves are as familiar with as I am, and who will be guided in their conclusions, not by what I say or what the hon. gentleman who introduced this motion will say, but will be actuated by broader and more statesman-like views than any that have been brought forward from time to time on this great and important subject.

Hon. Dr. CARRALL—I have been called upon somewhat abruptly to answer some remarks of the hon. Secretary of State, and in doing so I shall be as brief as possible, though I cannot allow this debate to pass without, at least, putting on record, an expression of the opinions which I hold on this subject. Hon. gen-

*Hon. Mr. Scott.*

lemen have always forgotten to take into account the amount of money that has been lost to the country by protracting those debates on the wrong-doings and shortcomings of the Government of the day in elaborate speeches and cunningly devised arguments; but of all the bad transactions that have ever blurred the escutcheon of any Government that has administered the affairs of this country, the worst is the steel rails bungle. The hon. Secretary of State seems to think that men who occupy high positions must necessarily be above suspicion. I contend that they should not, under any circumstances, be above criticism. The hon. gentleman would have us think the Premier was like the Mikado of Japan, too sacred to be looked upon by ordinary mortals, or like Caesar's wife, above suspicion. But, while such appeals are made to us on behalf of the Premier by his colleagues and supporters, they are everlastingly talking "Pacific Scandal" to us. The hon. Secretary of State seems to think that because the Premier denies the charges made against him, it is simply dishonorable to repeat them, but are we to believe such denials against the most convincing evidence? Have we not the history of some of his colleagues to justify us in believing them to be capable of acts which would not bear investigation? We can all remember the letter-stealing case, the copper pyrites fraud, and other transactions of a similar character, and yet, while they ask us to remain silent upon these subjects, they are never weary of repeating charges against Sir John Macdonald, which have not only never been substantiated, but have been distinctly disproved by the clearest evidence. And what has been the record of the hon. Secretary of State himself that he should lecture us as to the manner in which we should speak of his colleague? We can all remember when he threw off the Speaker's gown in the Ontario Legislature and came here to become a colleague of his life-long opponents, and we witness to-day the spectacle of a gentleman of his education and experience so far forgetting the proprieties of constitutional government as to continue to hold a portfolio and draw a salary as a member of a Cabinet to whom, on a most important question, he is opposed. For the first time in seven years I feel the least bit angry that

hon. gentlemen occupying the positions that we do should be told that the railway arrangement with British Columbia was an impossible bargain, after I have maintained on the floor of this House and elsewhere, that it was a bargain that could be fulfilled, not by this Government, but rather by the policy of the previous Administration. The fact is, the ten years' condition, as every one knows, only meant that Canada should do the best she could, and nothing more was expected of her. Instead of setting themselves seriously to work to carry out this obligation, however, the Government have undertaken a series of public works that their predecessors had not pledged them to, and they have gone on building Fort Francis Locks, branch railways and engineers' houses, and wasting money in steel rails purchases, while their Pacific Railway policy is yet undetermined. Everything the Government have projected in connection with it is characterized by the most stupendous stupidity. Seven years have been frittered away in this manner, and enormous sums of money have been wasted, the vouchers for which, I am told, fill immense boxes, and are so voluminous that no man could wade through them in a life time; yet, all we have to show for them is some miles of telegraph wire and piles of steel rails scattered throughout the country, corroding for want of use. The hon. Secretary of State has told us that the Canada Pacific Railway could never be a competing line with the Central and Union Pacific road, and that even the latter did not pay working expenses. I have it from undoubted authority that the Union Pacific Railway is a paying enterprise.

Hon. Mr. MACDONALD—They had eight millions of dollars clear profit in 1875.

Hon. Dr. CARRALL—According to the testimony of our engineers, we have an easier line for our railway and a shorter route than the American line, and we have a vast amount of country to be opened up, which, with its healthy climate and rich soil, will be the support of a vigorous race of people in the future, the germs of settlement having been already scattered throughout that territory. All that is needed to send a very large population in there is, railway communication. No other man in public

*Hon. Dr. Carrall.*

life could have been so marvellously stupid in his desire to depart from the policy of his predecessors, as the Premier was when he inaugurated the scheme known as "The Water Stretches," and the day he made his Sarnia Speech these words should have been emblazoned on his banner, not in letters of gold, but in steel rails rust, such as the sample I now produce, which I have scraped from a pile now oxidizing on the Pacific Slope. (Here the hon. Senator walked up to the table and laid upon it a sample of iron rust.)

Hon. Mr. PENNY moved the adjournment of the debate.

The motion was agreed to.

## AGRICULTURAL MUTUAL ASSURANCE ASSOCIATION'S BILL.

### FIRST READING

The following Bill from the House of Commons, was introduced and read the first time:—"An Act to grant certain powers to the Agricultural Mutual Assurance Association of Canada, and to change its name."

The House adjourned at 6 o'clock.

## THE SENATE.

*Wednesday, April 10th, 1878.*

The SPEAKER took the chair at 3 o'clock. p. m.

After Routine proceedings.

## LIQUOR TRAFFIC REGULATION BILL.

### CONSIDERATION OF THE AMENDMENTS.

Hon. Mr. SCOTT moved the adoption of the amendments made by Committee of the Whole House to Bill "J" An Act respecting the traffic in intoxicating liquors.

On the 99th Section, sub-section 5.

Hon. Mr. CAMPBELL suggested that it should be amended so as to permit the sale of lager beer in quantities of not less than eight gallons, as lager beer casks usually contained that quantity.

The amendment was adopted.

Hon. Mr. PENNY contended that cider should be included in this clause. As the Act stood, the sale of cider was prohibited.

Hon. Mr. SCOTT said farmers would not be prevented from selling cider. Under the Dunkin Act, from which this clause was taken, they had always been allowed to sell cider in any quantity.

Hon. Mr. ALLAN contended there should be no doubt as to the meaning of the clause.

Hon. Mr. CAMPBELL said the effect of this clause would be to prohibit the sale of cider in any quantity. If the sale of cider and beer were allowed, it seemed to him the Bill would commend itself much more to the common sense of the people.

Hon. Mr. AIKINS thought the difficulty was met in this way. Cider when sold by the farmers was in a fresh state and was not intoxicating. Consequently this Act would not restrict or prohibit the sale of it in any quantity.

Hon. Mr. PENNY said, suppose it were intoxicating, why not put it in as good a position as whiskey? He looked upon it that there was such a difference between cider and whiskey as there was between chess and cards. A man could stake money upon the result of a game of chess just as well as upon a game of cards, but if he wanted to gamble, he would take the cards. In the same way while a man could become intoxicated from the use of cider if he wanted to get drunk he would use whiskey.

Hon. Mr. CAMPBELL contended that unless the clause were amended, the sale of cider would be absolutely prohibited. Why should it not be put in the same position as brandy or whiskey.

Hon. Mr. MILLER said the clause as it stood made cider a contraband article altogether: it ceased to be an article of legitimate commerce.

Hon. Mr. SCOTT said the farmer could dispose of any amount of cider he might make himself, but if the clause should be amended as suggested, it would limit the quantity he would be allowed to sell.

After some further discussion,

The clause was amended to provide that the producer of cider might sell cider of

*Hon. Mr. Penny.*

his own manufacture, in quantities of not less than ten gallons at any one time.

On the 109th clause, providing for the destruction of liquors seized.

Hon. Mr. FERRIER asked, why not destroy the whole quantity seized?

Hon. Mr. CAMPBELL wished to know if the hon. gentleman would have all the liquor in a wholesale merchant's cellar destroyed in case of seizure?

An Hon. Gentleman—Yes, the whole of it.

Hon. Mr. SCOTT suggested that the quantity should be limited to twenty gallons.

After a brief discussion, this suggestion was adopted, and the clause was amended accordingly.

On the 105th clause, providing:

“If such prosecution is brought before any two other Justices of the Peace, the summons shall be signed by one of them; and no other Justice shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them.”

Hon. Mr. READ suggested that the right of appeal should be allowed in such cases.

Hon. Mr. CAMPBELL said this was simply a provision to enable those who were in favor of this law, to choose magistrates who would be favorable to their own views. The hon. Secretary of State and the hon. Senator from Sarnia would hardly venture to say that all the virtue to this law would disregard their oaths and refuse to enforce it.

Hon. Mr. VIDAL said this provision in the Dunkin Act had been found to work well. It was not new and it had been found very necessary.

Hon. Mr. CAMPBELL thought there was just as good reason to suspect the fairness of extreme advocates of the law, as of those who opposed it.

Hon. Mr. AIKINS said it was assumed that two magistrates must be either liquor or anti-liquor men, when one might be favorable to the law, and the other opposed to it, or neither of them might take an extreme view of the question.

Hon. Mr. CAMPBELL said the complainant could choose the magistrate he wished to bring the case before, and one could readily imagine the course that would be pursued in such a case.

Hon. Mr. AIKINS believed if a magistrate were known to be an upright, impartial man he would be the first one selected to try such cases.

Hon. Mr. CORNWALL said it was just such a provision as this that would show to the House and country the absurdity of enacting a law of this character. He was tired of hearing Ontario referred to so often as though it were the only virtuous Province in the Dominion. He observed by a paragraph in the *Toronto Mail* that of 71 convicts in the Kingston Penitentiary, 20 were total abstainers, and 20 were intemperate.

Hon. Mr. AIKINS.—What about the rest?

Hon. Mr. SCOTT said the reason why Ontario was so often mentioned was the fact that the Dunkin Act, which was somewhat similar to this measure, had been in force in that Province for fourteen years, and it was natural that the experience gained during that period should be cited in this discussion. He did not suppose this Act would disturb the hon. Senator from British Columbia. That was too free a country to adopt such legislation. In Nova Scotia there was an excellent license law in force, which worked very well, and in Quebec there was a very wise municipal law in operation. In those Provinces it was not likely this measure would be adopted and, therefore, Ontario was, practically, the Province most interested in its passage.

Hon. Mr. CORNWALL—Judging from the number of total abstainers in Kingston Penitentiary one would suppose a measure was necessary to prevent total abstinence.

Hon. Mr. VIDAL—You have stated that out of 71 convicts 20 were total abstainers and 20 drunkards; please explain what the balance were.

Hon. Mr. CORNWALL—There were 31 temperate people. What I want to show is that the drunkards and the total abstainers furnished an equal number of criminals.

Hon. Mr. FERRIER said two-thirds of  
*Hon. Mr. Campbell.*

all the commitments in the Recorder's Court in Montreal were the result of drunkenness.

Hon. Mr. GIRARD thought Manitoba was as deeply interested as Ontario in the passage of this law.

Hon. Mr. MILLER was not disposed to find fault with the 105th clause. He did not desire to reflect on the magistracy of the country, but it could not be denied that a large number of persons had been appointed who were unfit to discharge the important functions of their office, and he was not sure whether it would be wise to allow the hearing of complaints of this kind to be brought indiscriminately before any magistrates in a county. While he would set his face against encouraging frivolous appeals, he did not feel disposed, where the Act was so stringent and tyrannical in some of its features, to have the liberties of the people under the absolute control of any two magistrates that might be chosen to carry out the law, without any revision by a Superior Court.

Hon. Mr. HOWLAN considered the 105th clause a very good one. If by chance or design a case be brought before a partizan, he could not act without the assistance of another magistrate.

Hon. Mr. HAVILAND said the objection was that the two magistrates were to be selected by the prosecutor himself, and he thought it was likely he would choose men who were prohibitionists. There was to be no appeal. It was a monstrous proposition.

Hon. Mr. HOWLAN said he could find nothing in the Act which gave the prosecutor the right of selecting the two magistrates.

Hon. Mr. CAMPBELL said that was the effect of it.

Hon. Mr. WILMOT said he had voted for a prohibitory law in New Brunswick, and he had witnessed the troubles that grew out of it while it was in operation.

Hon. Mr. SCOTT—It was not a permissive bill.

Hon. Mr. WILMOT said it was total prohibition. He was sure every member of the Senate would do all that he could to abolish intemperance, but an extreme course would simply produce a reaction

against the temperance movement. He would vote for this Bill, but he hoped it would not be made so severe as to injure the cause it was designed to promote.

Hon. Mr. KAULBACH said he had, in his practice in the Courts, known of a good many appeals from decisions of magistrates in cases such as were likely to arise under this measure, and it frequently happened that the magistrate was counsel, judge and jury. By allowing the right of appeal it would deter such magistrates from acting improperly. This arbitrary power should not be given to them.

Hon. Mr. BELLEROSE said he believed that this Bill would never come into force in the Province of Quebec, as he thought their municipal laws were so satisfactory that they could do without it, and it was only in deference to the views of hon. gentlemen from other Provinces that he felt it his duty to protest against the clause doing away with the right of the subject to appeal to the higher Courts. He would suggest the addition of another clause to provide that all the cases coming under this Act should be tried in a similar way and under our present laws with regard to justices of the peace out of session.

Hon. Mr. SCOTT said that there was an appeal provided from the decision of two justices. The reason why any exceptional provisions were in this Bill should be apparent to everybody. This was a law which a considerable minority in any county where it would be enforced, would consider an unjust act; that they were perfectly warranted in resisting it, and they would have no conscientious scruples in using every means to defeat it. It was also peculiar in this respect; there was nobody particularly interested in putting the law in force while there was a very powerful body with a large amount of money at their command deeply interested in defeating the measure. That was the reason why the Dunkin Act had been defeated in so many cases. When people were getting a law enacted they were generally impressed with the belief that the public ought to accept it and enforce it. But as a rule the people did not do so; they did not consider that it was their particular business to put the law into operation, while there was a powerful combination always on the alert to defeat

*Hon. Mr. Witmol.*

it and would contest it at every stage through the courts. The consequence was, as there were no private individuals or associations who would spend their money in following up the prosecutions the law would fall into disuse. That was the reason why this measure had to be surrounded with all those guards and checks that other laws did not require. The Local Legislature of Ontario had to step in in order to carry out the provisions of their act and appoint a prosecutor in order to enforce it. It was notorious that there were at least one or two judges of county courts in Ontario who were hostile to that law and took advantage of every technicality to defeat it.

Hon. Mr. MILLER said he did not think the hon. Secretary of State had advanced any good or sufficient reason why they should deny all right of appeal. Why should they place such an unwise, and tyrannical law in this respect on the statute book? He thought it would be well to take the sense of the House now with regard to allowing the right of appeal by writ of *certiorari*.

Hon. Mr. HOWLAN asked if under the 105th clause an appeal did not lie from the magistrates?

Hon. Mr. MILLER said since the Bill had been reprinted that came in under the 111th clause. There was no question of the right to appeal from the decision of two magistrates. All he asked was that in such cases as might be considered of sufficient importance as to be removed by *certiorari* to the Superior Courts of record the right should exist. In obtaining a writ of *certiorari* there was a good deal of difficulty—more than there was in seeking a remedy under an ordinary appeal, and it would only be resorted to in cases where the law would justify its being granted, in the opinion of the judges of the highest courts in the several Provinces. He was sorry to have heard the remarks of the hon. Secretary of State with regard to some of the judges in Ontario. He was sure his hon. friend would not have made such a charge against any of the judiciary of his own Province if he had not ample grounds for doing so, but he was satisfied that those remarks could not be applicable to any but the judges of the inferior courts. It could not be applied to the judges of the

higher courts, who were among the most distinguished members of the judiciary in the country. He doubted the wisdom of the friends of this Bill pushing those extreme points which were calculated in the minds of moderate men, to do the measure much more injury than otherwise. He would therefore move that the Bill be referred to Committee of Whole, for the purpose of amending the clause 111 with the view of preserving to the subject the right of appeal by writ of *certiorari*.

Hon. Mr. DICKEY said he hoped the appeal that had been made to the hon. Secretary of State would be successful, although they would give no appeal to the poor liquor dealers. The hon. gentleman from Prince Edward Island (Mr. Howlan) had asked whether, under the 105th clause, the appeal did not still remain from the decision of the two magistrates. Upon that point he was under the impression it was taken away. *Habeas corpus* or *certiorari* always existed, unless it was expressly taken away; an appeal only existed where the right was given by statute. If there was no appeal given from a decision of two justices it did not exist.

Hon. Mr. SCOTT said they had sixteen years experience in Ontario to the contrary.

Hon. Mr. MILLER said the appeal was actually given here, because the Bill was brought to confirm another Act, which gave the appeal, and did not take away the writ of *certiorari* in such cases.

Hon. Mr. SCOTT said there was no doubt about that.

Hon. Mr. DICKEY said if there was any doubt about the question it conveyed the view that the appeal was given only by implication, and it was necessary that the clause should be looked after to remove any doubt as to the appeals from two justices. He thought the Government must have been reconsidering this question as would be seen by clause "F," which provided that, "upon application to quash such conviction, or warrant, enforcing the same," that was a conviction on a warrant or in any proceeding under the Temperance Act, of 1874, or this Act.

Hon. Mr. SCOTT—Or the License Act of Ontario.

Hon. Mr. DICKEY said the preceding

*Hon. Mr. Miller.*

clause distinctly referred to conviction under the Temperance Act of 1864, or this Act; therefore clause "G" applied to offences under this Act. It was evident his hon. friend, in drafting these clauses, had come to a sense of the justice of the appeals that had been made to him from this side of the House. The difficulty had arisen possibly from the fact of the hon. gentleman having accepted clauses at the suggestion of other gentlemen who were interested in the Bill, and it had caused the incongruity he referred to. Clause "F" provided "that no conviction or warrant enforcing the same, or other process of proceeding, under either of the said Acts, should be held insufficient or invalid by reason of any variance between the information, or conviction, etc." Then clause "G" provided "upon any application to quash such conviction or warrant enforcing the same, or other process or proceeding, or to discharge any person in custody under such warrant, whether such application is made in appeal, or upon *habeas corpus*, or by way of *certiorari*, or otherwise, the court to which, or judge to whom, such appeal is made, etc., shall dispose of such application upon the merits, etc." So that it applied to any conviction under the said Acts. If the hon. gentleman said it was a mistake, it could be amended, but he was in hopes that it was an amendment to the clause taking away the right of *certiorari*. If there was one thing that this House was called upon to do more than another, it was to protect the rights and liberties of the subject, and that certainly could not be done by putting in a clause in this Bill that took away a right which was as old as the constitution itself.

Hon. Mr. MILLER said he presumed the intention of Clause "G" was to cover all cases which might possibly arise under any case of the three acts. Although the right of *certiorari* was intended to be taken away by this Bill and was taken away by the Dunkin Act, he believed it had not been taken away in the License Act of Ontario, and therefore, it would be necessary to include the *certiorari* in the clause referred to, although it might be taken away by this Bill and the Dunkin Act. In that view the clause would be applicable and proper. None of the license Acts took away the right of *certiorari*, and it was only the measure

of 1864 and the present Bill, that contemplated anything of the kind.

Hon. Mr. SCOTT said the clause was word for word taken from that of the Dunkin Act, in which it was considered a wise and prudent provision. His own opinion was that it was an essential element in the Bill, and it would be fatal to the measure to strike it out, as it would destroy its efficiency.

The House then divided on the amendment, which was carried on the following division :

CONTENTS :

Hon. Messrs.

Alexander,	Cochrane,
Allan,	Cornwall,
Armand,	Dever,
Bellerose,	Dickey,
Botsford,	Dickson,
Bourinot,	Dumouchel,
Campbell,	Glazier,
Carrall,	Hamilton (Kingston),
Haviland,	Northup,
Haythorne,	Odell,
Kaulbach,	Read,
Maclarlane,	Ryan,
Macpherson,	Sutherland,
Miller,	Trudel,
Montgomery,	Wilmot.—30.

NON-CONTENTS :

Hon. Messrs.

Aikins,	Cormier,
Baillargeon,	Fabre,
Benson,	Ferrier,
Bureau,	Girard,
Chaffers,	Grant,
Chapais,	Hope,
Christie (Speaker),	Howlan,
Lewin,	Reesor,
McClelan (Hopewell),	Scott,
McMaster,	Seymour,
Paquet,	Simpson,
Pelletier,	Stevens,
Penny,	Vidal,
Pozer,	Wark.—28.

Hon. Mr. SCOTT said he considered this was a matter of such importance that he proposed to take a vote on it again on the third reading of the Bill.

Hon. Mr. BELLEROSE suggested that a clause should be inserted in the Bill, to provide that evidence heard before the inferior courts under this Bill, should not be taken in writing. He said his reason for proposing this was, in many

*Hon. Mr. Miller.*

cases, evidence taken in writing before the magistrates was sent to the Superior Court, where an appeal was taken, and he considered that it was much better that the evidence should be heard before a higher tribunal, than to have the case decided upon the imperfect records that might be sent up from the inferior courts.

Hon. Mr. SCOTT said he would not feel justified in accepting that suggestion, that the evidence on which a man might be convicted should be oral, instead of being reduced to writing. He thought whatever evidence was sworn to should go on paper.

Hon. Mr. MILLER said the practice of the courts in the different Provinces should regulate that. He thought, as a matter of practice, that the evidence taken in courts of inferior jurisdiction was not preserved.

The question was dropped.

Hon. Mr. CAMPBELL said he rose to make another suggestion with reference to the 57th clause, which provided for the adoption of the petition on a majority of the votes polled. On a previous occasion his hon. friend from York had suggested that the votes polled should amount to one-half of all the electoral votes, and it was said on that occasion that such a provision would have the effect of preventing the Bill from going into operation, and that it would become inoperative. His hon. friend from York had yielded to that objection, and said he would not press the amendment, but might bring it up again on a future occasion. He had not brought it up again, however, and he (Mr. Campbell) desired to call attention to it, and he would now make a suggestion that was so reasonable he hoped the hon. Secretary of State would adopt it. Although the suggestion was an exceedingly modest one, it was one to which the gentlemen more particularly interested in this Bill had refused their acquiescence. His proposition was this : that it should require the total number of votes polled for the adoption of this Bill in any county to be at least one-third of the whole electoral vote. The proposition of his hon. friend from York had been that the votes polled should amount to half of the electoral vote. When that suggestion was rejected, it was proposed that there should be a two-thirds majority of all the votes

polled in favor of the petition; that proposition had also been rejected. The suggestion he now made was that the total votes cast for the adoption of this petition should amount to at least one-third of the whole electoral vote. He would illustrate his proposition by supposing the total vote of a county to be one thousand; for the adoption of this Bill in such a county it would require the number of votes polled to be 333. It would have to be borne in mind that no compensation was proposed for those who would suffer by the operation of this Bill. There were men engaged in trade whose property would be materially affected by its operation in any county, and it was but reasonable to provide that such persons as were engaged in the liquor traffic should not be disturbed in their business unless it appeared that at least one-third of the electors were anxious for the adoption of the liquor law. He did not desire to do anything that would impede the progress of the Bill, and he did not believe that the adoption of the amendment which he had suggested would be a disadvantage to it, as they had the opinion of the hon. gentleman from Sarnia that there would be no desire to put this law into operation in any county unless there was a much more decided expression of the will of the people than one-third of the electoral vote of the constituency, as they admitted the law could not be enforced unless there was a large majority of the people strongly in favor of it. Apart from this he considered the minority were entitled to protection. He did not think it was right to suppose that every person engaged in the liquor trade was a scoundrel, a rascal whose interest ought not to be protected, and who ought to be put down by the strong arm of the law. There were men engaged in this traffic of all characters, as there were men of all characters amongst the members of Total Abstinence Societies; but they were not to frown down a whole class of people because some of them were disreputable and allowed excesses in their houses. He knew persons who had been engaged in the liquor business for years, who had large sums of money invested in property designed for that special purpose, that could not well be devoted to any other, and that property would be very much affected by the operation of this Bill. Those men should not be dis-

*Hon. Mr. Campbell.*

turbed in their occupations unless there was a large proportion of the people who wished to put down the liquor trade in the interest of the community. If a person discharged his duties faithfully as a citizen, paid his taxes, and was guilty of no impropriety or contravention of the laws of the municipality, he should not be called upon to defend his position unless a large proportion of the community desired to test the effect of this law, by bringing it into force. His proposition was a reasonable one that should receive the assent of the Government who were passing this Bill, and the assent of hon. gentlemen who were in favor of such a measure. He did not consider that anything could be gained by making a law too arbitrary, and this measure was so arbitrary that it would defeat its own purpose by turning moderate thinking people against it. The Bill provided that the initiatory proceedings should be commenced at the instigation of 25 per cent of the electoral vote; that was certainly sufficient for the initiation of it, and he thought it was a very reasonable provision: but when the property of the people was to be more or less injured, and its value diminished, it was not unreasonable to say that it should be decided by at least one-third of the population qualified to vote in the county. It should also be borne in mind that everyone enjoyed advantages from the very fact of the tavern keeper having his bar or saloon, as many hon. gentlemen who boarded at the Russell House or other hotels during the Session knew by experience that they enjoyed more comforts in such quarters than they could obtain in a temperance house. His proposition was such a reasonable one that he hoped it would receive the assent of the Government.

Hon. Mr. SCOTT—Are there any other suggestions?

Hon. Mr. CAMPBELL said, if the hon. gentleman considered his suggestions were of any value, he would propose to exclude cider and beer from the operation of the Bill. He thought those who were in favor of the measure were making a most serious mistake in including cider and beer; they were carrying their efforts to such an extreme that the reasonable, moderate portion of the community who were not teetotalers, though temperate in

their use of those beverages, would oppose it as arbitrary and tyrannical. Cider and beer were harmless drinks. A person could, no doubt, get drunk from the excessive use of them if he wished to do so, but as a rule men would not make beasts of themselves simply because they were allowed to drink beer and cider. To make the Bill useful to the people it should not be so extreme in its provisions.

Hon. Mr. WILMOT said he quite concurred with the hon. gentleman that it was only doing harm to the temperance cause by including cider and beer.

Hon. Mr. SCOTT said, at the third reading of the Bill, he would see how far he would be able to adopt the suggestions of hon. gentlemen. In discussing this matter he had endeavored to hold the scales as evenly as possible; to entertain the views of the gentlemen who were seeking for this legislation to a point that would not militate against its usefulness, and in a manner which ought to meet the reasonable views of those gentlemen who held the principle that prohibition was a wise policy. He moved concurrence in the additional clause "A."

Hon. Mr. MILLER—I have no intention to oppose this clause, but I wish it to be distinctly understood that, if we were called upon to deal with any other subject, I would consider it a most dangerous precedent to confirm the legislation of any Province of the Dominion which is clearly *ultra vires*. We have introduced here, for the first time in the history of this Confederation, a principle which may entail very serious consequences if we are to regard it as a precedent. Were this legislation on any other subject, I have no hesitation in saying I would be entirely opposed to adopting it, because it will be an encouragement to the different provincial legislatures—and, I fear, in connection with this Bill it will have that effect—to pass laws that are *ultra vires*, with the expectation of coming to this Parliament and getting a confirmation of those laws. Every hon. gentleman can see the confusion and uncertainty which this should create in our legislation. I feel that it is, perhaps, unwise to pass this measure after the grave doubt expressed as to its constitutionality, without giving it any other objectionable features. It is

Hon. Mr. Campbell.

not a safe thing to pass a measure merely because it has the support of a large number of the electors of this country, and the Government have introduced it to propitiate them. Therefore, it may not receive that severity of criticism which a bill, interfering so largely with the rights of the people, ought to receive; but they should not be asked to concede too much. In view of the exceptional character of this legislation, I do not propose to give these new clauses any opposition, myself, and, under the circumstances, think it would be just as well to let it become law, and give the temperance people all their own way.

Hon. Mr. DICKEY—I entirely concur in the views expressed by my hon friend, and also in the course which he has indicated. I feel disposed to let the Government take the responsibility of this legislation, entering my protest against it, as interfering with provincial license laws, and the rights of the local legislatures, and as a precedent for the future, in legalizing Ontario legislation *ultra vires*. When we come to look at the very first of these added clauses, we find it is of a most sweeping character. It not only repeals a part of the Dunkin Act, but it distinctly interferes with the licence acts of all the Provinces, which I think are entirely within the purview of the local legislatures. My objection to it is this—no matter what the reason or the necessity for the legislation, this House has no constitutional right to interfere with the licensing laws of the provinces. We cannot over-ride the legislation of any provincial authority with respect to licensing matters, which I contend are entirely—not merely as a matter of favor, but as a matter of right—within the jurisdiction of the local legislatures. It seems to me not only to be tyrannical legislation in many of its provisions, but legislation which is unconstitutional, and will form a most dangerous precedent for the future.

Hon. Mr. SCOTT—The reason for the clause is, that this legislation was enacted by the Ontario Legislature, and the courts held that the Province had not the right to touch upon it.

Hon. Mr. DICKEY—But that decision has not received the consideration of the highest tribunal in the land, and the hon.

gentleman is not willing to allow this Bill to go before the Supreme Court.

The clauses in the schedule were then adopted *en bloc*.

Hon. Mr. SCOTT moved that the Bill be read the third time to-morrow.

Hon. Mr. CAMPBELL—I should like to have an answer as to what is to be done—how the machinery of this Bill is to be enforced.

Hon. Mr. SCOTT—I said the other day it would entail some expense on the Public Treasury to put it in force.

Hon. Mr. DICKEY—An enormous expense.

Hon. Mr. CAMPBELL—So that any agitation can be commenced under this Bill, and the whole expense of the election will fall upon the Dominion.

Hon. Mr. SCOTT—The expense will be limited to the payment of the Returning Officer, the publication of the notice in the *Canada Gazette*, and the payment of the officers taking the vote, and there will be the mileage on the delivery of the instructions to the deputy and the ballot-boxes.

Hon. Mr. CAMPBELL—This will be the same expense as at a general election.

Hon. Mr. SCOTT—No.

Hon. Mr. CAMPBELL—I think some formal explanation should be given on that before the third reading, because it may affect the opinions of hon. gentlemen in this House.

Hon. Mr. SCOTT—My opinion of the expense in a large county is, that where there would be thirty polling places, the expense would be between four and five hundred dollars.

Hon. Mr. MILLER—That would be the average expense of an election.

Hon. Mr. SCOTT—In that I was allowing \$20 to the Returning Officer. I made the calculation myself.

Hon. Mr. CAMPBELL—Could not the municipalities bear this expense?

Hon. Mr. MILLER—Take the Province of Nova Scotia, for instance. We will not require this law, because we have already a very stringent License Act. We are told by an hon. member from Quebec that this Act will never be adopted in that Province, and in New Brunswick it is not

Hon. Mr. Dickey.

likely it will be required any more than in Nova Scotia. So it will come down to this,—that the law we are passing will be a law almost exclusively of Ontario, and the whole Dominion is to be subjected to a heavy burden of taxes in order to enable the temperance people in Ontario, wherever they can get up a fever heat in any municipality or city, to endeavor to impose this law upon the people. If they want a thing of that kind, they should be prepared to show their earnestness and sincerity by agreeing to pay the cost of the elections, and not ask the Dominion generally to contribute towards the expense of those contests. Under this law it would only be necessary to get up a requisition signed by 25 per cent of the electors to set the whole machinery of the Act in operation for the rejection or the adoption of the measure. You will have a continual state of ferment from one end of the country to the other in connection with this subject if you place the treasury of the Dominion at the disposal of the temperance men. Under the Dunkin Act, the expense is one means of preventing unnecessary agitation, but if you hold out the inducement of paying from the public treasury for all these agitations, there will be no end to the expense, turmoil and excitement to which the country will be subjected in these continual elections, or attempts at elections. Now, I really do think that the municipality that desires the adoption of this measure should be prepared to pay the expenses of it, or it ought to be made a provincial tax. The Legislature of Ontario, in return for the favor we confer upon them by confirming their License Law, should make some provision for carrying out the elections to be held under this Act. At any rate, you could ask the counties or cities that desire this law to pay for it. It would only be fair in the end, as the people who want the measure would then bear the expense of it.

Hon. Mr. SCOTT—I think my hon. friend has drawn an exaggerated picture. My impression is that no such consequences will flow from the passage of this Bill. There is no Province more likely to adopt it than New Brunswick, as far as I can gather from hon. gentlemen from that Province. Wherever the Dunkin Act is in force in Ontario, I am inclined to think

the people will continue it in force rather than risk an election under this Act.

Hon. Mr. MILLER—Does the hon. gentleman think the Dunkin Act is better than this Act?

Hon. Mr. SCOTT—No, but they may think they would jeopardize the Dunkin Act in trying to get this. Under the Dunkin Act thirty people have the right to set the machinery in motion.

Hon. Gentlemen—But they pay for it.

Hon. Mr. SCOTT—I think the estimate I have given is the outside of what the cost would be in a very large county where there would be upwards of thirty polling places.

Hon. Mr. CAMPBELL—The expense of an ordinary election is not very much larger than that.

Hon. Mr. SCOTT—There are expenses in an ordinary election that are not included in this. It is only the official machinery that will be paid for by the Crown. The people will have to meet the expense of notices, agencies, scrutineers, bailiffs, etc., themselves.

Hon. Mr. DICKEY—The treasury does not pay the expenses of which my hon. friend speaks, in ordinary elections.

Hon. Mr. SCOTT—The expense of the Dominion election in a place such as I have spoken of would be more than double what this would be.

The motion for the third reading tomorrow was agreed to.

The House adjourned at 6 o'clock.

## THE SENATE.

*Thursday, April 11th.*

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings.

### IMPORTS OF PLASTER OF PARIS AND GYPSUM.

Hon. Mr. McCLELAN (Hopewell) moved :—

“That an humble Address be presented to His Excellency the Governor-General praying that  
*Hon. Mr. Scott.*

His Excellency will be pleased to cause to be laid before this House a detailed statement of the quantities of Plaster of Paris or Gypsum, ground or calcined, imported from the United States during the past fiscal year, shewing quantity received at each port and valuation of same for duty. Also, quantity entered at each port, of gypsum, and Plaster of Paris, not ground or calcined, and of Gypsum not calcined for agricultural purposes.”

He said :—My object in bringing this question under the notice of the Government, or rather, in asking for this information, is that many parts of the Dominion are becoming interested in the quarrying and shipment of this particular commodity, more particularly in the locality in which I reside, where it is a growing industry. The quarrying of gypsum has been confined, until within the last year or two, to one particular part of the country, but during the past year the ridge of plaster has been opened at different points, and what was originally a small business, is growing rapidly into an extensive trade, giving freight to our ships and employment to the operatives at the place where it is calcined, ground, and placed in barrels for export. In Nova Scotia a very large trade has been going on, for a number of years past, in plaster, but it has chiefly been confined to the county of Hants, although some exports have also been made from Cape Breton. I may mention, for the information of hon. gentlemen who take an interest in the matter, that, for the year ending 31st December, 1877, the export of crude gypsum from New Brunswick was 5,030 tons, valued at \$5,030; ground gypsum, 14,007 tons, valued at \$21,786. Nova Scotia, during the same period, exported 106,952 tons crude gypsum, valued at \$93,867, and 72 tons of ground gypsum, valued at \$194. I may mention that, as far as the supply is concerned, it is unlimited, and it is quite probable that the industry will become more valuable year by year. It is an article which is required in many parts of the continent, and my object in moving the resolution is to determine how much gypsum is imported into Canada, and what the value of that import has been, in order, if possible, that the producers in the Dominion, by the information thus afforded, may so extend their business as to adapt it to the supplying of the demand for those articles in Canada.

Hon. Mr. KAULBACH—I am very glad my hon. friend has moved in this matter; it shows that although he repudiated the idea of protection, yet when it comes down to the article of gypsum he feels it is one of those industries that requires protection.

Hon. Mr. McCLELAN—I said nothing about protection, and the motion has no bearing whatever on that subject.

Hon. Mr. KAULBACH—I cannot see myself why the crude gypsum should be taken out of the country, and manufactured in a foreign country, and then imported into Canada as plaster, instead of being manufactured at home and furnish employment for the laborers of the country. I think this is one of the industries that ought to be protected and developed, and I am very glad to hear my hon. friend has moved in this matter from a protective point of view.

Hon. Mr. DICKEY—The reason of there being so large a quantity of crude gypsum imported, as compared with the ground and calcined article, is because of their being no duty on the crude article, while there is a duty on the manufactured article, and in that way it has a bearing on protection.

Hon. Mr. SCOTT—The hon. gentleman has asked for the imports of gypsum and plaster through the several ports of the Dominion. To bring down such a return will involve a great deal of labor and delay, because in compiling the tables they do not mark the different ports at which the returns are made; but I can bring down the totals.

The motion was agreed to.

## THE DOMINION REVENUE.

### MOTION FOR RETURN.

Hon. Mr. DEVER moved:—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House,—A Return of all duties of Excise for this Dominion for the months of July, August, September, October, November, December, 1877, and the months of January, February and March of 1878, as well as the months of April, May and June of 1877.”

He said:—The motion I have the honor of presenting to-day is one which will lead to the consideration of the Customs

Hon. Mr. Kaulbach.

and Excise duties of the Dominion of Canada during the current fiscal year—1877-8. I have been induced to make this motion in consequence of the declaration of the Finance Minister, in another place, on the 22nd February last, when that hon. gentleman, in his Budget Speech, used the following words:—

“It is, however, very satisfactory to find that at last the tide seems to have been turned in some degree, and to be able to inform the House that the receipts from revenue during the last seven months show a very decided improvement, as compared with the same period of the preceding year. Up to the 10th day of February instant, I find that our receipts from all quarters amounted to \$13,434,235, as against receipts to the corresponding period of last year of \$12,494,279; that is to say, Mr. Speaker, that the augmentation, in these seven months, reached to the sum of nearly \$1,000,000. Now, although it is true that a certain proportion of this increase may perhaps be attributed to the necessity of replacing the mass of goods that were unhappily destroyed in the great fire that desolated the City of St. John, I am glad to be able to tell the House that the increase from that source is not by any means the largest part of the increase I have mentioned; but that every Province, without exception, I believe, shows “a large and cheering increase, and as the question has been raised, how far the general increase is due to this merely accidental cause, I think it is not unreasonable to point out to the House, that the very remarkable character of the present winter has most assuredly diminished to a considerable extent, the consumption of many classes of goods from which we would, ordinarily, have received a good deal of revenue, and that in all probability the \$200,000 or thereabout, which may have been derived from the misfortune that I have alluded to, are balanced, and, I dare say, more than balanced by the diminution of consumption arising from that cause.”

After hearing that declaration, hon. gentlemen, and having had some little experience in the profit and loss of business; knowing something about the general character of the business of this country at the present time, I believe instead of there being any revival in trade, that on the contrary, it is still further declining. The fact has been also announced lately in our large cities, especially in Montreal, Halifax and St. John, that instead of business improving, failures to the extent of \$700,000 had taken place in one week. Looking at this matter, and knowing as I do the pulse of business, I felt it my duty to investigate this subject, and ascertain if the declaration of the Minister of Finance was being carried out in the Cus-

toms and Excise returns of the current year. With that object in view, and without waiting until the returns I now ask for came down, I repaired to the several Departments, and obtained the information myself. This information I am

now prepared to offer to the House, and hon. gentlemen will see by it whether the Minister of Finance was justified in making that declaration or not. The statement I hold in my hand is as follows—

Statement of Customs and Excise Revenue for nine months ended respectively on 31st March, 1877 and 1878.

Provinces.	Nine months ended 31st March, 1877	Nine months ended 31st March, 1878.	Net increase in nine months to March 31st, 1878.	Net decrease in nine months to 31st March, 1878.
	\$	Customs. \$	%	\$
Ontario.....	3,634,282	3,663,912	29,630	2,661
Quebec.....	3,510,271	3,507,610	282,664	44,764
N. Brunswick.....	735,356	1,018,020	23,550	7,200
Nova Scotia.....	919,100	874,336		11,800
Manitoba.....	93,250	116,800		
B. Columbia.....	294,200	287,000		
P. E. Island.....	176,800	165,000		
	9,363,259	9,632,678	335,844	66,425
	.	Excise.		
For Dominion.....	3,928,739	3,845,863		82,876

Showing a total net increase for Customs and Excise during nine months to 31st March, 1878, of only \$186,543.

Minor statement, shewing Customs collections at ports in the Dominion, which collect \$100,000 and upwards, which may be taken as a further evidence of the downward tendency of business :

IN ONTARIO			
	Collected in 9 mths. to 31st Mar. 1876.	Collected in 9 mths. to 31st Mar., 1877	Collected in 9 mths. to 31st Mar., 1878.
Brantford....	\$79,447	\$97,468	\$99,272
Clifton.....	173,381	114,984	100,982
Guelph.....	69,344	71,022	52,476
Hamilton....	518,432	533,390	638,612
Kingston....	153,396	147,049	165,076
London.....	284,885	329,215	355,640
Ottawa.....	173,731	167,304	161,215
Toronto.....	1,574,557	1,753,048	1,727,508
Totals.....	\$3,032,173	\$3,213,480	\$3,300,781

IN QUEBEC.			
	1876.	1877.	1878.
Montreal....	\$3,533,399	\$2,995,826	\$2,998,097
Quebec.....	527,108	430,478	429,654
Totals.....	\$4,060,507	\$3,426,304	\$3,427,781

IN NEW BRUNSWICK.			
	1876.	1877.	1878.
St. John....	\$563,395	\$582,607	*\$850,404

IN NOVA SCOTIA.			
	1876.	1877.	1878.
Halifax....	\$690,386	\$733,505	\$675,634

IN MANITOBA.			
	1876.	1877.	1878.
Winnipeg....	\$112,963	\$93,250	\$116,767

IN BRITISH COLUMBIA.			
	1876.	1877.	1878.
Victoria....	\$365,995	\$294,188	†\$288,326

IN P. E. ISLAND.			
	1876.	1877.	1878.
Charlottetown	\$222,089	\$176,919	\$163,850

\*\$267,796 of this amount caused by replacing goods destroyed in the great fire of 20th June, 1877.  
 †Represents actual collections to 22nd March, 1878, and for last week of March, 1878, I have taken the same figures as given for that period in 1877.

By these statements hon. gentlemen will see that there was an increase in several provinces, but the total increase for the Dominion for the past nine months in the Customs and Excise combined, amounts in the aggregate to only \$186,543 which is \$95,646 less than the excess.

Hon. Mr. Dever.

on Customs, and Excise shewn by the port of St. John, N. B., for the same period, caused by the great fire. And here I may mention that after the fire other large quantities of duty paid goods had to be got from Halifax, Montreal, and other cities, which I leave out of my calculations, and which, if duty paid at St. John would show a further falling off of Customs and Excise elsewhere, instead of the "cheering increase in every Province" for 1878.

I would also ask you to allow me to draw your attention to the following comparative statement of total receipts for Dominion of Canada (exclusive of North-West Territories) during the years ended respectively on 30th June, 1877 and 1878 :—

	1877.	1878.
Customs.....	\$12,515,667	\$12,783,270
Excise.....	4,950,623	4,867,749
Bill stamps....	208,968	201,338
	\$17,675,259	\$17,852,357
Deduct abnormal increase at St. John, N. B., from Customs and Excise during 9 mths 31st March, 1878, and caused by great fire....	Cnst's \$267,796 Excise \$14,393	282,189
	\$17,675,261	\$17,570,168
Add other receipts from Post Offices, Public Works, &c....	\$4,361,341	\$4,812,435
	\$22,036,602	\$22,382,603
Showing a net increase for whole Dominion during year ending 30th June, 1878, of only.....	\$345,995	
	\$22,382,603	\$22,382,603

This statement shows a net increase in the revenue for the whole Dominion, during the fiscal year ending on the 30th of June next, 1878, of only \$345,995, which increase, arising as it does from Post Office and other minor sources, cannot be taken as an indication of reviving trade. And here let me state, to avoid any misconception, that in order to arrive at a

proper and reliable comparison, as I maintain this to be, I have taken the actual collections, as shown by official returns, for the nine months ended 31st March, 1878, and have only assumed that the receipts for the remaining three months of the current fiscal year will be equal to the corresponding months of the previous year (1877.) Such assumption, I contend, is warranted by the fact that hon. Ministers of the Government have frequently used the same means of arriving at conclusions which have been presented to Parliament for financial purposes.

Hon. Mr. McLELAN—Is that deficit greater than last year?

Hon. Mr. DEVER—We will simply have a smaller revenue from Customs and Excise than we had last year. I do not intend to delay the House much longer by dwelling on this subject, except to point out that it is a most astonishing thing that every year since the present Administration came into power, we have had a deficit; and this is more astonishing when I point out to you that on their taking office one of their first acts was the following increase of duties on goods imported into this country:—

OLD DUTY.	NEW DUTY.	p.c. ad. val.
Cigars 45c per lb...	50c and 20c	
Tea, green, free....	6c per lb.	
Tea, black, free . . .	5c do	
Coffee, green, free..	2c do	
Coffee, ground . . .	3c do	
Brandy 80c per gal.	1.00 per gallon.	
Geneva 80c do..	1.00 do	
Alcohol 80c do..	1.00 do	
Rum 80c do..	1.00 do	
Whiskey 80c do..	1.00 do	
Shrub \$1.20 do..	1.50 do	
Old Tom 80c do..	1.00 do	
Taffia 80c do..	1.50 do	
Ship materials free	5 per cent.	
Tobacco 15c per lb..	20c per lb.	

Other goods had been raised from 15 to 17½ and 20 per cent., and notwithstanding this great increase of duty on articles entering into the daily use of all classes, there has been a falling off in the revenue. Under this tariff, the revenue of this country was intended to be \$27,000,000 or \$28,000,000: such an amount is quite unreasonable for four millions of people, and I believe that is the reason why the duty has not yielded so abund-

Hon. Mr. Dever.

antly as was anticipated. In consequence of the heavy duties on articles largely consumed by the laboring population, the tax has fallen unfairly upon these poorer classes, and they will not use the goods.

Hon. Mr. SCOTT—I have no objection to my hon. friend's motion going. I doubt if the returns he calls for would give him any information he does not already possess. He seems to have availed himself of all the necessary information on the subject in advance. However, the returns will be brought down.

The motion was agreed to.

## THE CANADIAN PACIFIC RAILWAY.

### ENQUIRY.

Hon. Mr. CORNWALL called attention to the implied understanding come to between the Government of the Dominion, the Government of the Province of British Columbia, and Her Majesty's Secretary of State for the Colonies in December, 1876, with reference to the commencement in British Columbia of the work of construction of the Canada Pacific Railway, that "after the very limited delay of a single summer, the Province of British Columbia would find that there was no longer any obstacle to the active prosecution of the undertaking." That, in accordance with that understanding, the Province of British Columbia has since that time awaited, without comment on the question, the decision to which the Government of the Dominion might come; and (seeing that sixteen months have since elapsed) asked the question, when the Government intend to declare their policy in the matter?

"He said: I will not occupy the time of the House on this question, but simply read the notice and await the reply of the Government.

Hon. Mr. SCOTT—In 1876 the Government believed they would have been within the period named in the motion, in possession of the fullest information which would have justified them in recommending to Parliament the selection of the route through British Columbia; but my hon. friend must be aware, from the discussions that have taken place

upon subjects akin to this, the Government is not yet sufficiently advised as to the line that it is in the interests of this country to select through that Province. They do hope, however, at no distant day—I hope, comparatively a very short period—to be sufficiently advised to decide upon the route through British Columbia. At present I am unable to say anything more than to inform my hon. friend the Government is not in a position to define the route through British Columbia.

Hon. Mr. CORNWALL—Will the hon. gentleman say what further limit of time will be required.

Hon. Mr. SCOTT—Those time limits have really lost their value with respect to British Columbia. All time limits thus far have failed. I should hope, however, that the time is not far distant. All I can assure my hon. friend is, the Government are certainly pressing forward the surveys in that country as earnestly as possible, and they could have done no more—no Administration could have done more—than they have endeavored to accomplish.

Hon. Mr. CORNWALL—Another serious undertaking on the part of the Government has fallen to the ground.

Hon. Mr. SCOTT—My hon. friend is not justified in drawing any such conclusion. He must have been aware from the remarks which fell from an hon. Senator in this House a few days ago, that there is yet a somewhat divided opinion among even the British Columbia people, as to the best outlet for the Pacific Railway in that Province, and there is a very strong difference of opinion entertained even by engineers on that subject. The Government is not justified in stating that any one line has been sufficiently explored to authorize them in saying that it should be selected.

Hon. Dr. CARRALL—Did I understand the hon. Secretary of State to say that the Government are prepared to state in response to this question, that they are going to commence the construction of the railway in British Columbia this year, or not?

Hon. Mr. SCOTT—The Government are not in a position to say that the work of construction will be commenced this

*Hon. Mr. Scott.*

year. The Government are not prepared to say yet, that the latest line that has attracted their attention is the best line, and, until the best line has been decided upon, it would be unwise and premature to commence the construction. I stated, just now, the Government had pressed forward the surveys with all possible speed; certainly no greater earnestness could be expected than that shown by this Government in the surveys in British Columbia.

Hon. Mr. DICKEY—Did I understand the hon. Secretary of State, on a former occasion, to say that the report of the Engineer-in-Chief, on this question, was in the hands of the Department, but that the Ministry were not in a position to declare their decision on it—in other words—to adopt it?

Hon. Mr. SCOTT—In answer to my friend's question, I should have to make this observation. There have been a great many reports, and there is a very large number of routes. At different times these routes have all been favored by different engineers. The Government has not absolutely committed itself to any one of those routes. The report to which my hon. friend has reference, I presume is the report made by Mr. Marcus Smith, which I stated the other day had not been brought under the notice of the Government further than to be transmitted to the Minister of Public Works. It has not been so far considered by the Government as to justify them in expressing any opinion upon it.

Hon. Mr. DICKEY—It was exactly in that sense I understood my hon. friend to speak the other day. Is there any objection to laying that report on the table?

Hon. Mr. SCOTT—I really am not in a position to answer my hon. friend. Such reports are usually considered confidential, until some kind of action has been taken by the Government.

Hon. Mr. KAULBACH—In 1874 this matter was left to Lord Carnarvon, and his award was approved of by the Government—to have this railway completed from the Pacific to Lake Superior by the year 1890, and also to spend \$2,000,000 in British Columbia yearly. The Government rashly committed the country to this agreement, and I am

afraid, from the manner in which the work has been prosecuted, it will take the 40 years, the time prognosticated by the hon. Secretary of State, to complete it.

Hon. Mr. SCOTT—Lord Carnarvon's proposition was—and so the Government of Canada accepted it—that the surveys were to be prosecuted with all diligence, and when completed, the work itself should be proceeded with, and he thought that it should involve an expenditure of at least \$2,000,000 yearly. That was practically the judgment of Lord Carnarvon.

Hon. Mr. MACDONALD (Victoria)—I hope the report I moved for the other day will be brought down as soon as possible, as it bears on this question in an important degree. The Session will soon be over, and unless the report is brought down at once, hon. gentlemen will not have an opportunity of forming an opinion upon that question.

Hon. Dr. CARRALL—I trust that the hon. Secretary of State will use his position, as the representative of the Government in this House, to urge upon his colleagues that they should arrive at some understanding during the Session, which will enable them to lay before us Mr. Marcus Smith's report.

Hon. Mr. AIKINS—Are there any surveying parties out at present on the Pine River Route?

Hon. Mr. SCOTT—I am really not in a position to say whether there are or not.

#### DUTIES COLLECTED AT ST. JOHN.

MOTION WITHDRAWN.

The Order of the Day being called,

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a return of all duties of Customs and Excise collected at the port of St. John, New Brunswick, from the first day of July, 1877, to the first day of January, 1878.”

Hon. Mr. DEVER moved that the Order be discharged.

The motion was agreed to.

Hon. Mr. Keulbach.

#### INDIAN RESERVES IN BRITISH COLUMBIA.

MOTION FOR A RETURN.

Hon. Dr. CARRALL moved:—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to lay before this House, a return, containing the separate and joint correspondence of the Commissioners for defining the extent of Indian reserves in British Columbia.”

He said:—This is a matter of great importance to the people of British Columbia. The Indian policy of Canada has been eminently successful, and has been the subject of envy on the part of our neighbors, who have made great efforts to copy it. In British Columbia the Indians have located their reserves in the very best lands of the Province—fertile valleys and deltas of rivers. This has given rise to considerable irritation, in consequence of the encroachments of white settlers on those reserves. So far as I know, the Commissioners appointed by the Government to define the extent of the Indian reserves, have acted wisely, and given perfect satisfaction, but I desire that this correspondence may be brought down in order that there may be no doubt as to the course they have pursued in the event of misunderstandings arising between them and the various tribes in the Province.

Hon. Mr. SCOTT—This subject, as the hon. gentlemen has truly remarked, is one of very great importance. Correspondence has been going on for the past three years, at all events, between the Government of British Columbia and the Government of Canada in reference to the setting apart reserves for the Indians. A Commission was appointed, and that Commission had been some time at work when it was found that it was entailing a considerable amount of expense on the Local as well as the Dominion Government. At the instance of one of the parties (I think it was British Columbia) it was thought better to reduce the Commission to one. Considerable progress has been made in the negotiations with the Indians in British Columbia, and I am in hopes, ultimately, the irritation will be removed. The policy of the past Governments in British Columbia, to the Indians, has not been of

that just and paternal character which has marked the policy of other British Colonies on this continent. Therefore, a good deal will have to be done before the Indians are satisfied. They are quite aware their position has been exceptional from that of the Indian tribes in other British Colonies on this continent, their reserves being limited and no annual grants being made to them. The position of matters a year ago was considered somewhat alarming where the whites were adopting very much the same policy that had been pursued in the United States—encroaching on what the Indians claimed as their reserves, though they had never been set apart by any authority. The correspondence is very voluminous and I suppose my hon. friend only wants a compilation which will develop the policy to be pursued by the Commissioners.

Hon. Dr. CARRALL—A compilation will meet my views. Of course I have nothing to say as to the claims of the Indians.

Hon. Mr. CORNWALL—The hon. Secretary of State has given expression to certain views which he and his colleagues hold, and which are so incorrect that I must refer to them. The hon. gentleman spoke of the causes of irritation among the Indians in British Columbia; he went further and talked about the ungenerous conduct of the Provincial Government in former days and the interference of the whites with Indian rights. The hon. gentleman is incorrect in supposing there are any such causes for the irritation among the Indians in British Columbia.

Hon. Mr. SCOTT—The correspondence shows quite differently.

Hon. Mr. CORNWALL—A very erroneous impression has gone abroad upon this subject. When British Columbia became a part of the Dominion, an agreement was come to between the Government of that Province and the Government of Canada that the Indians should be treated with the same fairness that had been exhibited by the Government of British Columbia.

Hon. Mr. SCOTT—The words were, "no less fairness." It was assumed British Columbia had acted fairly.

Hon. Mr. CORNWALL—At that time, when British Columbia came  
*Hon. Mr. Scott.*

into the Dominion, there was not the slightest ill-feeling in any Indian breast in that country with regard to the way they had been treated by the Provincial authorities but since Confederation, from some cause or other—I should say from the unwise interference and meddling of the Dominion Government—irritation has sprung up. From some causes, from the appointment of Indian agents and their proceedings, the Indians were induced to believe they were to be petted and cared for, that large reservations of lands were to be given to them and that the Dominion Government would more or less support them altogether by means of gifts and subsidies. They are disappointed that nothing has been done for them up to this time. It is evident that in this, as in other matters, the Government have sat in their places and done nothing. It is merely another instance of the unfitness of the Government for their position that there should be any cause of irritation among the Indians in British Columbia. Up to Confederation the Indians had been in perfect accord with the provincial authorities and the whites settled among them. Up to that time the Government had given them any reservation, they had asked for and that they had been in the habit of occupying, and there was no disagreement between them and their white neighbors. Since the union with Canada there has been a change and British Columbia has been put to considerable expense and no little alarm has been caused by the slack, procrastinating and injudicious policy of this Government. The hon. Secretary of State is mistaken in supposing that the irritation among the Indians is due to the action of the local authorities or the white population of British Columbia.

Hon. Mr. SCOTT—I reiterate what I said before, that the irritation in British Columbia arises from the improper action of the Government of that Province. I am sustained in that view, not only by members of this Government, but by public men throughout this country and Imperial statesmen. The policy of Great Britain, in taking possession of this country, was to deal fairly with the Indians; to recognize that the Indians had a patrimony on this continent; that the Indians had a title, and that their title had to be acquired, step by step, by settling

with them for it. The people of British Columbia went into that Province and declined to settle with the aborigines. They remained in small communities and had to fight the Indians. They have never to this day recognized the Indians, who are a very large body of people, and, I am told, a very superior class of men compared with other tribes. The people of British Columbia have never extinguished the Indian title. The irritation prevailed when that Province came into the Union. The Provincial Legislature had passed an Act giving to each Indian family an area, I think, of ten acres. The Indians were dissatisfied with this, and declined to accept it. They had reserves of their own. There are Indians there, I believe, who have large herds, and pursue a different life from the Indians we know of in the North-West. Other Indians are fishermen, and they have several avocations in the Province. As we know, they form the great bulk of the population. They were aware (because they are an intelligent race) that the Indians in other Provinces of the Dominion were treated in a different manner from themselves. Therefore, their troubles date back prior to Confederation.

Hon. Mr. CORNWALL—No, no.

Hon. Mr. SCOTT—I quite understand what I am speaking about. At the time of the treaty with British Columbia, of course the attention of Canada had not been called to the subject; otherwise, those who made the treaty would have taken good care to have had a better understanding on this subject. We were made practically the guardians of the Indians, as we are of all the other Indians of the Dominion. We were supposed to be the trustees of the rights they had. It was our duty to look after the Indians, and that was incorporated in the treaty with British Columbia. Assuming that they had been fairly treated before the Union, a clause was added providing that our policy should not be less generous or liberal to the Indians than the policy then existing in British Columbia, but they had never been settled with except in a manner which did not give them satisfaction. I believe the first remonstrance that was made was when the British Columbia Government admitted that ten acres for each family was not a fair con-

Hon. Mr. Scott.

cession, and offered to give twenty acres. That was considered unsatisfactory, because some Indians pursued the life of herdsmen and wanted more land. Others did not cultivate the soil or keep cattle, and they sought for remuneration in some other direction. It was reported that the Indians were about to take summary steps to secure their rights, and appeals were made to us to send a force to British Columbia to protect the people there. Reports of Indian scares were telegraphed to the Government here. We were told that the Indians, who were well armed, vigorous, and numerous, were going to rise and annihilate the whites. I think they showed a good deal of consideration under the circumstances. Agents were sent to tell them the causes of complaint would be removed. A Commission was appointed, the Local Government naming one, the Dominion Government another, and the third being selected as referee. The major part of the expense was to be paid by the Dominion. That Commission went on for some time, and, I am told, so far the results have been satisfactory. It was an indication to the Indians that their grievances were listened to. They brought their complaints before His Excellency when he was in British Columbia, and the attention of Lord Carnarvon was called to them. I know he drew up a very able paper, which I recollect reading some time ago, in which he spoke strongly of the action of the people of British Columbia. He regarded it as a matter of great importance that the Indians should be treated in the same spirit as the British Government had dealt with the aborigines on this continent. The Indians also became aware in the last three or four years, that we not only gave our Indians reserves, but also gave them annual subsidies of blankets, guns, etc., and this, no doubt, increased their hopes. They had hoped that when British Columbia was brought into the Dominion, the same generous and merciful treatment would be extended to them as to the Indians east of the Rocky Mountains. The lands of British Columbia are plentiful enough, and such reserves as the Indians require could be set aside for them without injury to the Province. I can assure my hon. friend there very much more in this subject than he is aware of. It may not have

been brought under his notice as it was brought under mine, because I have had to deal with the subject practically. It was with very great regret that the Government of Canada had to take up this matter, because it meant adding so much more to our expenditures, and we did not feel it was right that Canada should be saddled with the expense. It was conceded there had been a settlement with the Indians before the Union, and the very words of the Act show that was the construction put upon it by those who framed the treaty. The Indians have been protesting against the treatment they have received from British Columbia. The importance of this subject was forced upon us when it became evident that unless attention was given to it, there would be a large sacrifice of life. The Indians were in earnest, and the whites were alarmed that unless something was done, bloodshed would be the consequence.

Hon. Mr. CORNWALL—My object in rising was not to complain of this Commission that was appointed to determine the extent of the reservation of lands to be made for the different bands of Indians, but to protest as strongly as I could against the assertion of the hon. Secretary of State, that the difficulty with the Indians is due to the policy of the British Columbia Government and the course pursued by the white residents of that Province. I deny his assertion *in toto*. All I can say is, I shall take an early opportunity of bringing this matter before the House, and explaining the subject in a more complete way.

Hon. Mr. SCOTT—Has the hon. gentleman seen Lord Carnarvon's paper on the subject?

Hon. Mr. CORNWALL—I have read that and Lord Dufferin's speech on the subject.

Hon. Dr. CARRALL—I can corroborate what my hon. friend (Mr. Cornwall) has just stated. The rights of the Indians were recognized and protected religiously by the Government and people of British Columbia. I believe, when I was a member of the Cabinet in British Columbia, we guarded their interests by statutory enactments, going so far as to give them the right to pre-empt, occupy and hold lands. The punishment for selling or giving them liquor was severe.

Hon. Mr. Scott.

and I venture to say that a considerable number in the chain gang were sent there for violating that law. The Indians of British Columbia number at least 40,000, and they have always been accustomed to kindly and generous treatment. They are law abiding, except when under the influence of liquor, and they have been found useful in many ways to the white settlers. Our Government always treated them with the utmost kindness, and every Queen's Birthday gave them numerous gifts. In that way they kept 40,000 (some say 60,000) people perfectly satisfied with their condition. The statistics as to the number of Indians in the Province have been kindly furnished by the Roman Catholic missionaries, who have done much to keep them in good order. On reflection, I think, it would be as well that the whole of the correspondence should be brought down. To illustrate the care with which the Indians are protected by our Government I may mention that there is an Act on our Statute Books which punishes severely anyone who molests an Indian grave. When an Indian dies, his horse is killed and the skin is put on the grave, together with blankets, images, &c., and our Government have consulted even the superstitions of the aborigines so far as to make it a penal offence to molest or disturb in any way, such graves. I desire it to be distinctly understood that I offer no opinion as to the acreage the tribes or individual Indians should have, but I do venture to say that if the Commission is reduced from three to one, although it will save expense, it will be fraught with danger to an amicable adjustment of the Indian reserves difficulty in our Province.

Hon. Mr. MACDONALD (Victoria)—I think there is proof in the treaty that the Indians were perfectly satisfied at the time British Columbia entered the Confederation. I have lived all my lifetime in that Province, and I never heard of any discontent among the Indians until after the Union. I think the Government acted wisely in appointing the Commission, and deserve all praise for the care they have exercised in this matter. The Commission has given great satisfaction thus far, but I fear its usefulness will be impaired by the reduction in

its number. The Commissioner is a man possessing a good many qualifications for the position he holds, but he has not the local knowledge of the other two.

Hon. Mr. SCOTT—The reduction was made at the urgent request of the Local Government.

Hon. Mr. MACDONALD—That was in consequence of the expense. I think this Government should have kept the Commission on for a couple of years longer, until all the grievances were settled. An Indian war would entail a very much heavier expense on the country, and would retard the progress of the Province for many a year. In Oregon an Indian war broke out in 1851, and the people left the country. It injured the progress of that State for many a year.

The motion was agreed to.

## EARL DUFFERIN'S DEPARTURE.

### MESSAGE FROM THE COMMONS AND ADDRESS.

A Message was brought from the House of Commons by their Clerk in the following words:—

“HOUSE OF COMMONS OF CANADA.

“Ottawa, 11th April, 1878.

“Resolved, That a Message be sent to the Senate informing their Honors that this House hath passed an Address to His Excellency the Governor-General, expressing the deep feeling of regret which we experience at the approaching departure of His Excellency from Canada; and of our duty to assure His Excellency that the zealous devotion of his great abilities on all occasions to the public interests is held in high appreciation; and that especially the visits to each of the Provinces and Territories of the Dominion by which His Excellency has familiarized himself with the character of the people and the resources of the country, and the eloquent speeches in which His Excellency has enlarged on those topics have been attended with the most beneficial results in attracting attention to Canada; and that we are highly sensible of the great degree in which literature and art and the industrial pursuits have received encouragement from His Excellency's efforts and liberality; assuring His Excellency and his distinguished Consort that they will bear with them our warmest wishes for their future welfare and happiness; that we rejoice in the conviction that, though Canada may no longer possess the advantage of His Excellency's experience and knowledge of public affairs in so exclusive a degree as she has enjoyed them in the past, she will continue to have in His Excellency a friend and advocate; and that it is our heartfelt wish that for many years the Empire at large may have the benefit of His Excel-

*Hon. Mr. Macdonald.*

lency's ripe wisdom, experience and eminent abilities;—and requesting their Honors to unite with this House in the said Address.

*Ordered,* That the Clerk of the House do carry the said Message to the Senate.

(Attest.)

“ALFRED PATRICK,  
Clerk of the Commons.

The Address to His Excellency the Governor-General, was then read by the Clerk, as follows:—

“To His Excellency the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye, of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye, of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of the most Illustrious Order of St. Patrick, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, and Knight Commander of the Most Honorable Order of Bath, Governor-General of Canada, and Vice-Admiral of the same, &c., &c.

“MAY IT PLEASE YOUR EXCELLENCY,

“We, Her Majesty's dutiful and loyal subjects, the Commons of Canada, in Parliament assembled, beg leave to approach Your Excellency with the expression of the deep feeling of regret which we experience at your approaching departure from Canada.

“We feel it to be a duty to assure Your Excellency that the zealous devotions of your great abilities, on all occasions, to the public interests, is held in high appreciation; and that, especially the visits to each of the Provinces and Territories of the Dominion, by which Your Excellency has familiarized yourself with the character of the people, and the resources of the country, and the eloquent speeches in which Your Excellency has enlarged on these topics, have been attended with the most beneficial results in attracting attention to Canada.

“We are highly sensible of the great degree in which literature and art and the industrial pursuits have received encouragement from Your Excellency's efforts and liberality.

“We venture to convey the assurance that Your Excellency and your distinguished Consort will bear with you on leaving us, our warmest wishes for your future welfare and happiness; that we rejoice in the conviction that, though Canada may no longer possess the advantage of Your Excellency's experience and knowledge of public affairs in so exclusive a degree as she has enjoyed them in the past, this country will continue to have in Your Excellency a friend and advocate; and that it is our heartfelt wish that for many years the Empire at large may have the benefit of Your

Excellency's ripe wisdom, experience, and eminent abilities.

"Speaker.

"TIMOTHY WARREN ANGLIN,  
"Speaker.

"HOUSE OF COMMONS, April, 1878."

Hon. Mr. SCOTT said:—I desire to bring under the notice of this House a subject which I am quite sure will meet with the approbation, not only of the Senate, but of the people of Canada. It is well known that the term of the distinguished nobleman who represents Her Majesty the Queen in this Dominion will shortly be brought to a close. It is a proper and fitting thing that the two Houses of Parliament should present a joint address to His Excellency, expressing the high esteem in which they hold him, and the feelings the people of Canada entertain for himself and the Countess of Dufferin. I need not enlarge on this subject. We know His Excellency during his residence in Canada, has, at great inconvenience to himself, visited the several Provinces of the Dominion, and the utterance that have fallen from his lips at all times have been of immense value to this country. They have attracted the attention not only of England, but of Europe, to the varied advantages which Canada presents as a field of enterprise for the emigrant. In giving expression to our feelings in the address proposed to be adopted, we are but echoing the sentiments of the people of Canada irrespective of creed or nationality. He has fulfilled his duties as Governor-General of the Dominion with marked skill and statesmanlike ability, I shall, therefore, move, seconded by my hon. friend from Kingston, that the address of the House of Commons be concurred in by this House.

Hon. Mr. CAMPBELL—I could have wished that some notice had been given to the House that this pleasant duty was to be discharged to-day, that it might have been approached with some little forethought. I am asked to second the motion of the hon. the Secretary of State for the adoption of the joint address which has just been read by Mr. Speaker, and I am quite sure that I never was more the organ of this side of the House than when I say we unite most cordially with the Government in the proposition suggested by the hon. gentleman, the Secretary of State for the adoption of this address on the part of

Hon. Mr. Macdonald.

the Senate. Every member on this side of the House will, I am sure, cordially agree in the language which Mr. Speaker has just read to us. I am persuaded that no Governor-General has ever been in Canada who has so thoroughly won the respect, esteem, and I may almost say, the affection of all classes of the community, as His Excellency has.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—It is now five years since His Excellency came amongst us. Very early in his career political duties devolved upon him of a most serious character. We all remember the exciting scenes of 1873, and I think we shall all agree that the position then was one of great difficulty and delicacy for the Representative of the Crown. Looking back upon those eventful scenes, I doubt if there is any one in the community who will not say that those duties were discharged by His Excellency with a knowledge of the constitution and perfect fairness to both parties, and with a tact and discretion which could not have been exceeded. Since that period his political duties have, perhaps, been less onerous, but have always been discharged in such a way as to win the complete confidence of men of both political parties. From his visits to all the Provinces of the Dominion great good has resulted, and His Excellency has become known to, and won a strong place in the regard of an immense number of the inhabitants of this Dominion whom he otherwise would not have seen. We can all bear witness with infinite pleasure to the manner in which all other duties devolving upon His Excellency have been discharged. The munificence of his hospitalities has surprised and delighted every one, and no Governor-General whom we have ever had, has taken the personal trouble which His Excellency has, to identify himself with the general aspirations and exertions of the people under his government. I do not remember any person filling that high office who has given himself so much personal trouble in promoting by attendance, by praise and commendation, everything deserving of encouragement in the country. We can all recall the numerous visits made by His Excellency and the Countess of Dufferin

to colleges and schools, whether Protestant or Catholic, in the various towns and cities of the Dominion, and I doubt not that the encouragement and sympathy Lord Dufferin has thus shown has been exceedingly useful, and will long be remembered by the pupils and by the thousands of young people for whom His Excellency so kindly interested himself; and so, in all manly sports and exercises by precept and example, as well as by medals and prizes, His Excellency has shown his anxiety to identify himself with the people of the country. We shall all long and gratefully remember the active sympathy shown by the Countess of Dufferin in the same way. And who will ever forget the gentle dignity and courtesy and kindness with which Her Excellency has met every one who has approached her? I am persuaded that we are deeply indebted to her for her manner of discharging all the social duties which devolved upon her. I cordially and confidently agree with the language in this address that we shall find in His Excellency hereafter a valuable friend in the Parliament of the Empire, where I am persuaded he will always be ready to interest himself in Canadian affairs, which he will be able to do with a complete knowledge of the wants and aspirations of the country, and not, I am persuaded, without considerable affection for its people.

Hon. Mr. MILLER suggested that it would be advisable to have the Address presented to His Excellency in this Chamber in presence of the members of both Houses.

Hon. Mr. SCOTT said he agreed with the hon. gentleman that it would be advisable to do so, but he was not aware what arrangements had been made by the other House. His impression was that the address was to be presented by the members of the Privy Council, not members of the Cabinet.

## BILLS FROM THE COMMONS.

### FIRST READINGS.

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

“An Act to grant relief to the Canada Agricultural Insurance Company.”

“An Act respecting the offices of Re-  
Hon. Mr. Campbell,

ceiver-General and Attorney-General of Canada.”

## THE LIQUOR TRAFFIC REGULATION BILL.

### THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill “J,” “An Act respecting the traffic in intoxicating liquors.” He said: In moving the third reading of the Bill, I feel it my duty to make a few observations explanatory of the reasons why I cannot accept the proposition of my hon. friend from Arichat that was discussed yesterday, and which has been carried once each way. The Bill as it originally stood contained a clause taking away the right of *certiorari*. As to the general principles on which the hon. gentleman debated this question, I entirely concur, and I think the rule he laid down is the safe and true one. I only plead that this particular Bill ought to be an exception to the rule. It is on that ground alone I ask the House to yield a point, and allow their better judgment to go with me on this particular measure, because I think there are grounds to justify the view I took. I was sorry to differ from my hon. friend who has taken a warm interest in this Bill, and has discussed with great candour the different clauses as they came up; therefore I would have been very desirous to meet his views on this subject, but that I feel it would destroy the good results that I hope will flow from this Bill in counties where it may be adopted. I consider the principle of appeal by writ of *certiorari* ought not to exist in cases under this Act in the same force that it does in ordinary cases. In ordinary suits there are always two parties, each one having an equal interest. In criminal cases even, where the Crown is prosecutor, there is always a private prosecutor, the party who has been aggrieved either by assault, arson, burglary, or any other particular crime by which his private rights have been infringed upon. In the particular cases which will come under the jurisdiction of this measure, there is but one party who takes a strong interest in the proceeding, and that is the defendant, and my belief is—and that belief is not one hastily arrived at—that prosecutions under this Act will not be put in force

unless there is always ample justification for the proceedings. My experience of the Dunkin Act has led me to the conclusion that parties will not be prosecuted under this Act, unless for very flagrant offences and breaches of the law. A prosecution under this law before the most partial and most biased justices even, cannot be successful unless there is ample justification for the proceeding. The tribunal that will have jurisdiction under this Bill will be extremely unwilling to punish any man for the infraction of the law unless his conduct had brought him fairly within the power of the law. That, I think, may be laid down as a sound and correct principle; therefore it is in that character exceptional. It is also exceptional in another character, that the defendant is the only one who is personally interested in the prosecution. The private prosecutor is, as a rule, an unwilling witness, as men abhor the idea of being placed in the position of informers on their fellow men, and the private prosecutor will not follow up a case under this Act.

Hon. Mr. ALLAN—The hon. gentleman is laying down a principle which is the very principle we on this side of the House urge so strongly in reference to the clause where you call upon a party who is taken up under this law to turn informer against the party who sold him the liquor.

Hon. Mr. SCOTT—That clause had not really come under discussion. It was merely suggested by an hon. Senator here, but it was never fairly before the House, nor was there any vote taken on it. I suggested myself that if the clause were proposed to the House, it should be with considerable modifications. Hon. gentlemen can, of course, quite understand the ground on which I now ask the House to restore the clause as it stood originally, because there will be a very strong interest to defeat or postpone the prosecution of any action under this law, and any benefit that we are likely to gain under it will be entirely lost by allowing appeal to higher courts. Money will not be wanted, and if delay is only gained, the private prosecution will break down. Unless the expenses are absolutely paid by the Government to follow it up, it is not likely that the private prosecutor will do so, and follow up a disagreeable duty that, for the

*Hon. Mr. Scott.*

moment, he may have taken upon himself. It is not at all probable that a private prosecutor will waste weeks and months in prosecuting a case before the higher courts, and temperance people are not likely to raise any fund for the purpose; as they have not the same interest at stake that the other side have. When a party is arrested for the infraction of this law it will not be for an offence that would make a case for a higher tribunal; it will be a mere recital of facts that will depend upon the amount of evidence that can be brought forward, and I think parties are not liable to be punished under the Act, unless a very strong case is made out against the defendant, as he will always be given the benefit of a doubt. It is for these reasons I must ask the House to allow me to avail myself of the notice I have given to restore the proposition that was defeated yesterday. I move that the Bill do not now receive its third reading, but that the 11th clause be amended so that it shall stand the same as it was when the Bill first came before the House.

Hon. Mr. MILLER—I have listened very attentively to the remarks of the hon. gentleman, who has debated this subject with much calmness and moderation. I have entertained a very strong opinion on the other side, however, and a large number of gentlemen endorse those views. I do not desire to occupy the time of the House by reiterating the arguments from this side of the House in favor of the view which we have advanced. The House understands the question which it is called upon to decide, and I am willing that the decision shall be taken upon it without further loss of time. If the sense of the House is against us we will only have to submit with the best grace we can.

Hon. Mr. VIDAL—Feeling that I do not stand here to speak my own sentiments, or to urge my own peculiar views, but representing, as I do, the views of many thousands of persons outside of this House, whose eyes are bent upon us, and who are anxiously watching what action we may take—because this clause as it stood in the Bill, when it was originally introduced, is one of the greatest importance, and cannot be dispensed with— if the amendment is continued in

the Bill, it will make it inoperative, as it will give the power to carry suits under this law from court to court, and no benefit can be derived from the operation of the law. I maintain that even as the Bill now stands, offences against its provisions may be tried under the Summary Convictions Act. And in the Summary Convictions Act, I find a most extraordinary clause,—a clause with all this “tyranny”; with all this “oppression”; with all this “taking away the rights and liberties of British subjects”; a Bill introduced into this House by Senator Campbell himself, a Bill carried by the late Government. We find in it the following provision :

“No conviction or order, or adjudication, made in appeal therefrom, shall be quashed for want of form, or be removed by *certiorari* into any of Her Majesty's Superior Courts of record.”

Hon. Mr. DICKEY—But there is an appeal there.

Hon. Mr. VIDAL—I contend that this prevention of removing a case by a writ of *certiorari* into any higher court is embodied in this very Act, and has been the law of the land since 1869, and in defence of this the only argument I would adduce is the argument to be adduced from experience. I have already stated that this section has been the law of the land in the Provinces of Ontario and Quebec for the last fourteen years, and that during those years we never had a word of complaint against it.

Hon. Mr. DICKEY—What about all the other Provinces of the Dominion?

Hon. Mr. VIDAL—I cannot speak for the other Provinces, but I am speaking of a very large section of the Dominion which contains many people who are as jealous of their individual rights and liberties, as the people in Nova Scotia or any other Province, and the very fact of that law being in the statute books for eleven years without any fault being found with it, or any attempt being made to repeal it, is sufficient to prove that it is not injurious to the people. I find on referring to the Act under which prosecutions are to be brought, that any offence committed where the fine exceeds \$10, may be brought

*Hon. Mr. Vidal.*

by appeal before any Court of Sessions and be adjudicated upon there. There is ample protection there. I trust in consequence of the important character that is attached to this question by the temperance men outside of the House who have been so long striving for legislation in this direction, that this House in compliance with their wish will allow the clause to stand as it was in the Bill when originally introduced.

Hon. Mr. SKEAD—I want to ask the hon. Secretary of State if this clause that is now under discussion, is the same as it is in the Dunkin Act.

Hon. Mr. SCOTT—Yes, it is the same.

Hon. Mr. SKEAD—I have been a supporter of the Dunkin Act for several years, and have fought several elections to bring it into operation, in some of which I have been beaten. Although I am not a teetotaler, I am a sober man, and I believe that the Dunkin Act has done good in this Dominion. If the Secretary of State says this clause is the same as it is in the Dunkin Act, I am going to support it.

A vote was then taken on the motion, which was carried on the following division :—

#### CONTENTS.

##### The Honorable Messrs.

Aikins,	McClelan (Hopewell)
Baillargeon,	McLela (Londonderry)
Benson,	McMaster,
Bureau,	Piquet,
Chaffers,	Penny,
Chapais,	Power,
Christie (Speaker)	Poz.r.
Cormier,	Reesor,
Fabre,	Scott,
Ferrier,	Seymour,
Girard,	Simpson,
Grant,	Skead,
Hope,	Stevens,
Howlan,	Vidal,
Leo ard,	Wark.—31.
Lewin,	

#### NON-CONTENTS.

##### The Honorable Messrs.

Alexander,	Haviland,
Allan,	Haythorne,
Bellerose,	Kaulbach,
Botsford,	Macdonald (Victoria),
Bourinot,	Macfarlane,
Campbell,	Macpherson,

Carrall,  
Cochrane,  
Cornwall,  
Dever,  
Dickey,  
Dickson,  
Ferguson,  
Glasier,  
Hamilton (Kingston)

Miller,  
Montgomery,  
Muirhead,  
Northup,  
Odell,  
Read,  
Ryan,  
Sutherland,  
Wilmot.—30.

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Mr. CAMPBELL—I would ask the hon. Secretary of State if he has considered the amendment which I proposed yesterday, to provide that the vote polled shall be at least one-third of the total electoral vote of the constituency.

Hon. Mr. SCOTT—I conceive that the electors will have sufficient interest in the Act to attend and record their votes.

Hon. Mr. CAMPBELL—I understood from the hon. gentleman from Sarنيا that this amendment would be taken into consideration, and that the proposition would be considered favorably.

Hon. Mr. SCOTT—I do not think it would be right to depart from the principle ordinarily laid down, that the majority of the votes shall decide the question.

The Bill was read the third time.

The question was then put whether this Bill shall pass?

Hon. Mr. CAMPBELL—Before the Bill finally passes I desire to ask the hon. Secretary of State whether the preamble is in the shape it ought to be. It seems to me there is a much better preamble that sets forth more correctly the position that the Government took in introducing this measure, to be found in the preamble of a bill which has not been used; but which was printed some time ago. That preamble seems to me to lay the foundation of the right of this Legislature to enact this Bill. I would suggest that it be the preamble to the Bill just about to pass.

Hon. Mr. SCOTT—That conclusion is open to challenge by hon. gentlemen in this House who take a different view, and I do not think it would be wise to predicate it on any such a basis.

Hon. Mr. Skead.

Hon. Mr. DICKEY—I am afraid the suggestion introduces rather an inconvenient consideration with respect to that very preamble. It begins with the declaration that the legislation in all the Provinces should be uniform, yet, from the beginning to the end of this Bill, throughout, we find there are two kinds of legislation in the same Province, running *pari passu*, and that these again are different from any other legislation in any other Province; that there is different legislation in regard to the traffic in intoxicating liquors in nearly every Province of the Dominion. Whilst the Bill sets out in the preamble that it is desirable to have uniformity in this matter, it is devoid of that element from the beginning to the end of it.

Hon. Mr. SCOTT—The Bill is one that cannot be enforced until the people invite it. When the people in any locality invite it, it then becomes uniform in all localities in which it is in force. Being a permissive Bill, wherever it is once introduced it is practically a uniform measure; until then it is nothing.

Hon. Mr. MACFARLANE—Before the Bill finally passes, the question raised by my hon. friend, as to the expenditure under this Bill, should be settled. I believe it is going to be a very onerous and expensive piece of legislation to this country, that it will be equally expensive as the calling into existence of elections under the General Elections Act.

Hon. Mr. SCOTT—No.

Hon. Mr. MACFARLANE—How does my hon. friend get over it? You have all the machinery of an election—ballot boxes, returning officers, scrutineers, notices, etc., and I think we ought to have some expression from the Government as to whether it is to be a charge that is to be borne entirely by the general revenue of the country. I believe the expenditure is one that ought to be borne by the locality which calls the law into operation, and before the Bill leaves this Chamber, we ought to have some assurance from the Government as to what means they propose to adopt to put this Bill into operation.

Hon. Mr. DICKEY—I understood we were to have this explanation to-day.

Hon. Mr. KAULBACH—I said from the first when this Bill was introduced, that I did not believe it had the support of the temperance people. I have had my belief that this Bill was intended for another purpose, brought in as it was at the last Session of this Parliament, and I am now confirmed in my belief. The Secretary of State very reluctantly told us yesterday, when he was hard pressed in the matter, and when he was asked by my hon. friend from Richmond as to the question of expense, that it would not cost more than \$400 or \$500 to put it into operation in a county with say, thirty polling places, and he did not suppose there would be many places where it would be put into force. He believed the Province of Nova Scotia would be satisfied with their own license law, and it would not likely go into operation very extensively in Ontario, because they already had the Dunkin Act there, that probably it might be put into operation in New Brunswick; and we were told by another hon. gentleman that the Municipal law of Quebec was sufficient for that Province. Therefore the hon. the Secretary of State has shown us that no part of Canada is desirous of having this absurd and impracticable legislation. I cannot see what object the Government had in introducing this Bill into the Senate, unless it was to have it defeated here—and thus take credit to themselves and at the same time rejoice in its defeat. There is no other way to account for this sudden temperance conversion, unless it was to gain support in the last days of the Government's existence from a certain class of the community, whom the Government would deceive and ensnare.

Hon. Mr. WARK—I presented twenty-five petitions here myself from ladies of the Maritime Provinces showing that they wanted this law there.

Hon. Mr. KAULBACH—The petitions were not for such absurd legislation as this, but for a prohibitory liquor law.

Hon. Mr. VIDAL—The petitions I presented were for the passage of this very Bill.

Hon. Mr. KAULBACH—I saw none—and I believe there could not have been many of that character, and my hon. friend has distinctly told us that it was not the

*Hon. Mr. Kaulbach.*

legislation asked for by the thousands who petitioned this Senate, and he further showed that it was not at all equal to or as desirable as the License Act of Nova Scotia.

It being six o'clock the House rose for recess.

AFTER RECESS.

Hon. Mr. KAULBACH resumed:—I was about showing, before the House rose for recess, that not only is the license law of Nova Scotia very vigorously enforced on the part of the prosecuting officers, as well as private individuals, but every allurement is frequently offered to tempt people to violate the law. The temperance organizations watch closely the violations of the law, and we have known persons to be so zealous to punish as to offer inducements to men to go and purchase liquor under false pretences, and to represent that it was needed in the family for sickness, and otherwise to lead people into violation of the law, and afterwards, when they yielded, they were prosecuted for it. The hon. the Secretary of State means to say, in fact, unblushingly tells us, that in such cases the right of appeal from an unjust decision would defeat the ends of justice. I believe every British subject should enjoy the sacred privilege of carrying his case to a higher court when he thinks he has been treated with injustice either to his person or his property. The Government have introduced this Bill without consultation with the Supreme Court, to ascertain whether it is within our jurisdiction or not, although after Session the temperance organizations have approached the Government and requested them to have the question of jurisdiction decided. They not only bring in a measure which is regarded by many of the legal minds in this House as *ultra vires*, but they deprive the Provinces and municipalities of a source of revenue which it is believed they possess under the 92nd section of the British North America Act. They deprive the people of the right of going to a higher court, and ascertaining whether this arbitrary and despotic law is constitutional or not. Why is it not attempted to restrict the pernicious effect of the use of opium—which is well known to exist, and which

greater injury to the party enslaved by its use? The Government cannot be sincere, otherwise they would not pass such an Act, one which the Secretary of State sees no necessity for; one which enables persons, too frequently lacking the necessary qualifications, to try such cases, and at the same time depriving the defendants of the right of appeal. The very character of this legislation will defeat its object. The hon. the Secretary of State says, he knows no part of the Dominion that wants it. He has shown that in Nova Scotia there is an excellent license law which works well, and it is not needed there. He has shown that in Quebec the municipal laws furnish all the legislation that is requisite. He has shown that in Ontario the Dunkin Act is in force. He is forced to fall back on New Brunswick. He says that that Province requires it. I think that is rather a stigma on the people of New Brunswick, because we can only draw the inference that the people of that Province are so addicted to intemperance that they require special legislation. The Province of New Brunswick, has under the British North America Act, the undoubted power to make laws for the regulation of this traffic within its own limits. Once the Legislature in New Brunswick passed a prohibitory law, and we all know the result of it. After a short trial it was repealed, and the Government which passed it was hurled from power. The Government have assumed the responsibility of passing a law which I believe is *ultra vires*, and which an infinitesimal minority can force upon the country, and subject it to strife and enormous expenditure. A more despotic Act has never been passed by any Parliament.

Hon. Mr. GIRARD moved to amend the preamble by inserting the words, "to promote temperance."

The motion was agreed to.

Hon. Mr. DEVER—I profess to be a free trader, hence I look upon all these measures which are a restriction on trade as being opposed to the interests of the people and commerce. I am not connected with the liquor traffic myself at present, and I never expect to be in the future. I have no relations engaged in it, and I do not think I have ever drunk a

Hon. Mr. Kaulbach.

gallon of alcohol in all my life, any more than my honored friend from Sarnia. But I am opposed to the legislation which proposes to hamper trade. I have no desire to be engaged in the traffic at present, either by importation or otherwise, since it is so hardly dealt with, so shackled and so injured. I do not think that any spirited man who understands the trade of the country would permit himself to be engaged in a business that seems to be at present used for the purpose of raising duties for the Government and nothing else. He would simply be not a merchant but a broker for the purpose of raising duties and paying them into the treasury of this country. I desire to do justice to everybody, and as a free trader I look upon it as gross injustice to the liquor trade to pass a measure like this, because I believe Providence made the several countries of the earth that they might produce different articles of commerce to exchange with each other. The West Indies produce the sugar cane and molasses, which, when converted into rum, become an article of export. France furnishes her wines and brandies to Great Britain and other countries. We produce lumber, which is exchanged with the West Indies for their rum or spirits. Thus the trade goes on. The hon. Secretary of State, who occupies a very high position in this country, made the following strange remark: "My own opinion is that alcoholic stimulants of any kind are injurious to the human body." Such a declaration as this, coming from so high a source, will have its due influence on this country. As a great many people do not share this opinion of the hon. gentleman, I fear it will engender a great deal of ill-feeling. But I would remind the hon. Secretary of State that he does not look upon all alcoholic stimulants in the same way, because I understand the hon. gentleman is an excellent judge of the different kinds of wine, and periodically takes pleasure in recommending them. I think he is guilty of inconsistency in that respect, as I find that wines, even of the best kind, contain an average of from 13 to 37 per cent. of proof alcohol, and when the hon. gentleman recommends his friends to take that percentage of that deadly poison, as he considers it, he is neither treating them justly nor acting conscientiously. The hon. Senator from Sarnia,

too, in his remarks upon this Bill spoke of this article of commerce as one which could only be represented by the upas tree. The hon. gentleman seems to forget that we derive a revenue of \$6,000,000 a year from this same upas tree; and the total revenue from Customs and Excise is not \$18,000,000 annually. He will see that one-third of it comes from the liquor traffic, and, I suppose a very considerable portion of it, too, goes to pay the salaries of very high officials in the land; and even members of the Senate, who advocate prohibition, benefit by it also. Another hon. gentleman referred to the condition of affairs in Ireland, and related the experience of the temperance men there. For the purpose of showing the hon. gentleman that his statement was not quite in accordance with facts, I would direct his attention to the extract which I am about to read from the pastoral of an eminent gentleman, known as Dr. Dorrian, one of the ablest Roman Catholic Bishops of Ireland. It was directed against a Bill, similar in principle to this one before the Senate, sought to be passed by the British House of Commons. Dr. Dorrian condemned the Bill before the British House of Commons in the strongest language:

"For intemperance" he said, "Sunday closing is not and will not, in our opinion, prove a remedy. It will do other mischief, as was abundantly proved by the evidence given before the Committee of the Commons last year. It will lead to illicit consumption and the worst consequent immorality, from which we are now saved by the responsible and respectable publican. For, if the latter is not virtuous and respectable, then withdraw his license; and this punishment on the seller, as well as a judicious and suitable punishment on the excessive consumer, not on his or her innocent family, will produce sobriety, and prove to be a reasonably just remedy. Sunday is not the day on which the greatest amount of drunkenness troubles the peace of society. The evidence of last year shows it to be the most sober day of the seven, there being one-tenth, and not one-seventh, amenable on that day. We think there may be valid reasons for closing public houses at places of worship where clan fights take place. But where no abuse occurs, to close them is an act of the veriest tyranny, and inflicted by those who do not themselves abstain, on men their equals in virtue and sobriety. In the year 1876 there were over all Ireland, on each Sunday, 182, out of a population of 5,400,000, amenable for drunkenness." With respect to the measure of popular support the bill obtains in Ireland, Dr. Dorrian said:—"It is said the majority of

*Hon. Mr. Dever.*

the population is in favor of the measure. The contrary seems to be the fact, if we look to the memorial signed in favor of the Sunday closing. In this diocese fourteen priests have signed out of a total of 120, and some of those with conditions attached. In Dublin seventy have signed out of nearly 400 total. But what is singular, is, that all the signatories are persons who are to be in no way affected by the law, should it pass, and give us no assurance that they shall be adherents, at their own hearths, to the restriction they would impose."

This does not seem to me to carry out the declaration of my hon. friend, who, I might remark, is a new convert to temperance. My opinion is, that a license law is what is required. I believe a proper license law would regulate the traffic, that parties who abuse their privilege of enjoying the fruits of the earth should be punished the same as parties guilty of other offences. I believe that liquor dealers, when found guilty of improper conduct, should have their licenses withdrawn from them, and in this way the cause of temperance could be better advanced than by such legislation as the measure before the House. Besides there are numbers of persons in every country who are conscientiously in favor of taking their liquor or wines. They have their conscientious views, too, as well as those who claim to be teetotalers; and I hold an authority in my hand which expresses those views very clearly. And with the permission of the House, I will conclude my remarks (which I hope will be considered to the point) by reading from it as follows. It says:—

"Every gentleman has wine at his table whenever he has invited guests. Indeed, wine is considered an indispensable part of a good dinner, to which a gentleman has been formally invited. Even if you are a total-abstinence man yourself, you will not, if you are really a gentleman, attempt to compel all your guests to be so against their wish. If you are so fanatical that you have what is called "conscientious scruples" against furnishing wine, then you should invite none to dine who are not as fanatical and bigoted as yourself. You must consider that a gentleman may have conscientious scruples against dining with you on cold water, for there are even temperate, and sober gentlemen, who would go without meat as soon as be deprived of their glass of wine at dinner. The vegetarian, who would force his guests to dine on cabbages, sauer-kraut, and onions, is hardly guilty of a greater breach of etiquette than the total-abstinence fanatic who would compel his guests to go without wine."

The Bill was then passed.

## CONFLICTING CLAIMS TO LANDS IN MANITOBA.

### THE BILL AMENDED.

Hon. Mr. SCOTT moved, that the House go into Committee of the Whole on the Bill entitled, "An Act to amend an Act respecting conflicting claims to lands of occupants in Manitoba."

Hon. Mr. GIRARD moved in amendment,

"That it be an instruction to the Committee to amend the said Bill as follows:—

"Page 1. line 30.—After 'case' insert Clause A.

#### Clause A.

"The first section of the said Act is hereby amended by adding to it a third sub-section, immediately after the word 'aforesaid,' at the end of its second sub-section, as follows:—

"3. Any cases of claims to such lands, in respect of which applications have been made for Letters Patent under the said Acts, or either of them; but it has not been established to the satisfaction of the Minister charged with the administration of Dominion Lands that there has been peaceable possession and undisturbed occupancy of the same; and all such cases, shall come within the purview of this Act as if they were cases of adverse or conflicting claims."

He said, under the Act of 1870, known generally as the Manitoba Act, it was provided in the 32nd section, that all those who were in possession of lands at that time would have their titles confirmed by Letters Patent from the Crown. In 1874 a law was passed by which all those who had claims under the Manitoba Act in parts of the country in which the Indian title had not been extinguished on the 8th of March, 1869, were entitled to Letters Patent. In 1875, it was enacted that persons establishing undisturbed occupancy of land on or before July 15, 1870, should be entitled to receive Letters Patent therefor. Now, his object in moving this amendment was to enable parties who had applied for Letters Patent for lands which they had been using for many years, to have their cases heard, and if they had no good claim then their application should be refused. Their possession had been in good faith, they had paid taxes, and otherwise given proof of their ownership, and it was only lately

Hon. Mr. Scott.

they learned they were not entitled to Letters Patent in consequence of insufficient occupancy. The Government contended that "sufficient occupancy" meant that there should be a building of some kind on the land. He did not understand that to be requisite according to the usages and customs of Manitoba. It seemed to him that when there had been possession for years in good faith, there should be no hesitation in granting Patents for such lands. His amendment applied exclusively to those whose applications were already filed in the Crown Lands Office at Winnipeg. While the Lieutenant-Governor was a very efficient man for the position of Commissioner, he thought it was placing him in a very delicate position, to ask him to act in that capacity. It would be very much better if the Government would choose some old citizens of Manitoba, who were acquainted with the usages of the country, to adjudicate upon these cases. He was sure there were gentlemen there who, without any remuneration, would go with the Commissioner, and aid him in what he might term the pacification of the country. Many of the claims to which he referred, were only staked out, because in former years, that was the only way of indicating possession—either by putting down stakes or running a plough ridge, sometimes by building a small log house. Yet such claims as these were not recognized by the Government, although in Manitoba they had for years been considered as the very best evidence of ownership. Staked claims had been acknowledged even by this Government, to a certain extent, when provision was made for the relief of the Manitoba settlers. Two years ago the Government took mortgages on lands of this description, and they evidently considered at that time, that there was no dispute as to the ownership. Under all the circumstances it seemed to him the hon. Secretary of State should accept the amendment.

Hon. Mr. SUTHERLAND rose to endorse the remarks of his hon. colleague. He considered the amendment a very desirable one. The parties to whom reference had been made were in general poor people who had not the means of bringing their claims before any tribunal, and were left entirely at the mercy of the

local land agent, whose knowledge of their claims must have been in many cases imperfect, and it was chiefly on his reports to the Department that the claims were determined. Of course, when a decision was once given, there could be no redress. It would only be an act of justice to enable those settlers to submit what evidence they could in support of their claims. He thought the Commission should consist of three instead of only one, and it would also be very desirable that the Lieutenant-Governor should not be placed in such a position, especially when there was no lack of persons in that country well qualified to act. It was exceedingly desirable that one or more of the Commissioners should be conversant with the usages and customs of the country. Because it would be only fair that these claims should be judged by such usages and customs. These claimants were generally squatters, and had made more or less improvements, and the trouble was to decide what amount of improvement was necessary to constitute ownership. Therefore, it would be only fair that one or more of the Commissioners should be acquainted with the usages and customs of the country.

Hon. Mr. SCOTT said the object of this Bill was to facilitate proceedings before the Commissioners who were charged with the investigation of claims to lands in Manitoba. The hon. Senator from Manitoba (Mr. Girard) desired to enlarge the operation of the Bill by directing that certain things not heretofore recognized, might be brought before the Commissioners and investigated. Under the Manitoba Act, provision was made that all parties in peaceful possession or occupation of lands were entitled to have their rights respected. Subsequently, on three several occasions, that law had been enlarged and extended, giving a much wider interpretation to the original clause than was designed by those who framed the Manitoba Act. There was every desire to meet the wishes of the people there as far as practicable. He was inclined to think no man who had been in that country before the Dominion acquired the North-West Territories had been overlooked. Every one had been given more or less land, either by free grant or in the shape of half-breed lands or home stead lots. From all the information he

*Hon. Mr. Sutherland.*

could gather, the amendment which was now proposed would include claims of a purely speculative character. All well-founded claims had already been recognized. In Manitoba, just before the transfer, parties staked out lands in various places, not lands they lived on or cultivated or improved, but lands they wanted to acquire, and thought by the mere process of putting down stakes they would acquire some title to them. He did not think it would be proper for the Government to recognize claims of that character, more particularly as the claimants had been recognized in some other shape, either as half breeds, homesteaders, or those having the right to pre-empt lands. This amendment, if adopted, would necessarily result in giving certain speculators advantages over their neighbours. He did not think the hon. Senator could point out a single case where a substantial improvement had been made on land, and the party had no other lands, in which the Commissioner had hesitated to recognize the claim. He (Mr. Scott) had adjudicated thousands of claims, and he knew that the leaning was always to the occupant if he could establish any possible occupancy, either in the shape of labour or money.

Hon. Mr. SUTHERLAND pointed out one class whose claims had not been recognized—parties who had been in the habit of cutting hay from year to year, many of them for thirty years, on the same piece of land.

Hon. Mr. SCOTT—Those claims are altogether a different class, and have been recognized.

Hon. Mr. SUTHERLAND—These are not the regular hay claims, but claims beyond the four miles limit.

Hon. Mr. SCOTT said the hon. gentleman could not point out one substantial case of grievance or hardship where a party had built a house or cultivated the ground, or expended any of his labor upon it, or taken a crop from it. It was impossible to lay down any abstract principle to govern such cases. However, he would hold that any man who had expended \$40 on his land, and had no other lot, should have the title to that property, if he came in at the time laid down in the Act. "Possession" indicated that a man must be in actual possession of land, not

once or twice a year, when he might camp on it for twenty-four hours at a time.

Hon. Mr. SUTHERLAND thought the House would agree with him, that a man must be camped more than twenty-four hours at a time to cut two or three hundred tons of hay every season. He knew a case of where a man had owned land for years, which he had cleared of stumps, and otherwise improved, but for which he could not get letters patent under the Act.

Hon. Mr. SCOTT said it would be perfectly idle to leave anything of that kind to the Commissioners, unless the claims which should be respected were designated. The parties were either legally entitled to take the land, or they were not. If not, the commission had no power to give it to them. The question was, what occupancy gave possession? And that was a question which the Minister of the Interior and the Minister of Justice should agree upon. The most generous interpretation had been given to all those claims with every desire to do justice to all parties, but it would be perfectly idle to leave the subject to the Commissioners. If the distance were not so remote, there should be no intervention in the shape of a Commissioner between the claimant and the Government. The leaning had always been in the direction of the person who claimed the land, so long as there was no counter claim.

Hon. Mr. CAMPBELL believed that the hon. Secretary of State with a kindly disposition, was yet tied down by the usages recognised in the administration of the Crown Lands in the old Provinces of Canada, and did not allow himself to sympathize, as he should, with the exceptional state of things in Manitoba. The hon. gentleman had spoken of his experience in the adjudication of Crown Lands cases. He (Mr. Campbell) might safely say that he himself had had a larger experience himself. The Crown Lands Commissioner, though he might decide adversely in any case, would hear it at all events be it ever so weak or objectionable. He would hear, for instance, such a claim as that of a man who, during low water had used an island, and would give a deci-

sion as to whether the claimant was entitled to the possession of that island. All that the hon. Senator from Manitoba asked for was, that these cases be heard. That certainly was but fair and reasonable. Look at the Islands in the Ottawa River and the St. John River; many of the latter being worth £50 an acre. Nobody had ever lived on them, because every spring they were overflowed. Would it be said that in a case of that kind a man was not entitled to the property which he had been cutting hay upon perhaps for 30 years? Would it be said that he was not entitled to have his case even heard? If this amendment were rejected those men in the North-West would never be in a position to have their cases heard. It was simply out of the question that they could send their papers a thousand miles to submit them to the Government here, as suggested by the hon. Secretary. How were those poor half-breeds to present their case? It would be a denial of justice to refuse them the privilege of submitting their claims to the Commissioner who was upon the spot and could hear the evidence. If, on that evidence, it should be proved that they were mere speculators, then they could be refused Letters Patent for the lands they claimed. But, suppose a case were to come up such as the hon. Senator (Mr. Sutherland) had mentioned, where a man had cut 300 tons of hay every season on a piece of land in rear of the hay reserve, and that this sort of possession had constituted occupancy, according to the usages and customs of the country, would he not, in that case, be entitled to receive a patent for that land, or, at any rate, to be heard about it? The usages and customs of the people of Manitoba were as much entitled to respect, in cases arising in that country, as the usages and customs recognized in Ontario or Quebec. He trusted the hon. Secretary of State would not oppose this amendment. Manitoba had but two representatives in this House and four in the other. Of course the majority could say, "You shall not be heard, " because your possession is very slight, " and your usages and customs are different from ours," but that would be inflicting an injustice upon those people, and wounding them in a manner from which they would not recover. It would be acting in a manner all the more be-

coming, because it was from the strong towards the weak.

Hon. Mr. GIRARD repeated that his amendment only referred to those who had made application for patents, and consequently the number of cases could not be large. He only asked that they should be heard, and that their claims be decided according to the usages and customs of the country. He did not desire that new cases should be brought up before the Commissioners. He referred merely to those who had claims to lands prior to the 15th July, 1870.

Hon. Mr. DICKEY thought there was no great danger in adopting this amendment, because it covered a comparatively small number of cases. In the country from which he came, it would be a new doctrine to say that the fact of cutting hay year after year upon a piece of land did not constitute possession. He believed half of the hay lands in Nova Scotia were held by just such titles as that. There was no such thing as an enclosure. Perhaps two or three proprietors held a track of land in one vast body, extending for miles and miles, yet there could be no question that their title to it was as good as any in the country. After all, this amendment was merely to give claimants a chance to have their cases heard, and it was such a reasonable request, he was surprised that there was any opposition to it.

Hon. Mr. SUTHERLAND said there was just one point which he had omitted which would throw some light on the usages and customs of the country. Prior to Confederation there were no patented lands there at all, and parties having lands beyond where they lived held them by the same title as the place where they resided.

Hon. Mr. SCOTT said that on every occasion that legislation, with reference to the Manitoba lands, had come before this Parliament it had been to liberalize, until it would be improper in the interests of the country to go further. Any well defined claim had already been recognized and adjudicated upon. The class of cases which the Hon. Senator from Manitoba desired that the Government should recognize were not covered by

*Hon. Mr. Campbell.*

what were known as the usages and customs that govern the Council of Assiniboine.

Hon. Mr. SUTHERLAND—We only asked to be allowed to prove our claims.

Hon. Mr. SCOTT said that any claimant whose claim was not recognised under this Act had the privilege of buying as much land as he required at a dollar an acre. The Government were trustees for the public, and it would not do to give away the public property right and left. The treatment of those who had resided in the Red River country before the transfer, had been most generous, but it would be unjust to the public to recognize claims of a purely speculative character. The Commissioners had taken up a considerable amount of time in adjudicating upon the many claims submitted to them; and it was a serious expense to the Department to have to investigate matters which led to no result. Any well defined claim was always heard by the Department.

Hon. Mr. GIRARD could not see why those people should have to pay for their lands which they had held for years, and for which, in all justice they should receive titles from the Crown. It seemed to him it was very hard to contest such claims; at the very least the Government should give the claimants a chance of being heard.

The House divided on the amendment which was adopted on the following division:—

CONTENTS :

The Hon. Messrs.

Aikins,  
Alexander,  
Allan,  
Bellerose,  
Benson,  
Botsford,  
Bourinot,  
Campbell,  
Cornwall,  
Dever,  
Dickey,

Dickson,  
Girard,  
Hamilton, (*Kingston*)  
Kaulbach,  
Macdonald (*Victoria*),  
Macpherson,  
Miller,  
Reid,  
Skead,  
Sutherland,  
Trudel.—22.

NON-CONTENTS :

The Hon. Messrs.

Bureau,  
Charters,

Lewin,  
McClellan, (*Hopewell*)

Christie (*Speaker*),  
Cormier,  
Fabre,  
Grant,  
Haythorne,  
Hope,  
Leonard,  
McMaster,  
Penny,  
Power,  
Reesor,  
Scott,  
Simpson,  
Stevens.—18

So it was resolved in the affirmative, and the House then went into Committee on the Bill, which was amended as directed.

The Bill was reported as amended. The amendment was concurred in, and the was read the third time and passed.

### THE PUBLIC WORKS AMENDMENT BILL.

#### THIRD READING.

The House was put into Committee of the Whole on the Bill entitled, "An Act further to amend the Act entitled an Act respecting the Public Works of Canada."

Hon. Mr. BOTSFORD in the Chair.

The Bill was reported, without amendment, read the third time, and passed.

#### SECOND READINGS.

The following Bills were read the second time:—

"An Act respecting the Port Whitby Harbor Company."

"An Act to grant certain powers to the Agricultural Assurance Association of Canada, and to change its name."

The House adjourned at 10:05 p.m.

### THE SENATE.

*Friday, April 12th.*

The SPEAKER took the chair at three o'clock p. m.

After Routine proceedings.

### PRINTING EVIDENCE IN DIVORCE COMMITTEES.

#### SELECT COMMITTEE APPOINTED.

Hon. Mr. POWER moved:—

"That the question of printing the evidence  
*Hon. Mr. Girard.*

taken in divorce cases before Committees of this House, be referred to a Committee to be composed of the Honorable Messieurs Botsford, Scott, Campbell, Bureau, Haviland, Miller and Seymour, with a view to their reporting a rule for adoption by the House."

After some discussion the motion was agreed to.

### FOREIGN INSURANCE COMPANIES.

#### MOTION FOR A RETURN.

Hon. Mr. AIKINS moved:—

"That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a statement setting forth the names of the foreign mutual life and stock companies that have not complied with the Consolidated Insurance Act of last Session, in respect of deposits for future business, the amount insured by such companies respectively, in Canada, at last returns made by them."

He said: It will be remembered by many hon. members of this House that when the Consolidated Insurance Act was before this House last Session, it was stated that it would have the effect of driving foreign mutual insurance companies from the Dominion. I believe some of them have retired, and I am anxious to know the names of those companies.

Hon. Mr. SCOTT—Perhaps the hon. gentleman will also call for the names of companies which retired during the year before the passage of the Insurance Act. Some companies have been coming in and others have been retiring, and a return confined to one year would give an erroneous impression.

Hon. Mr. AIKINS—If there is any correspondence, perhaps it will show whether any companies have retired in consequence of the legislation of last Session. I have no objection to amending my motion to include the returns for the two years, and the correspondence I have referred to.

The motion was amended, as suggested, and agreed to.

## PRIVATE BILLS IN THE SENATE.

## MOTION TO AMEND THE RULE.

Hon. Mr. BELLEROSE moved:—

“That the question of amending the 49th Rule of this House so as to make it applicable only to Private Bills originating in the Senate, be referred to the Select Committee appointed this day for the purpose of reporting a rule for the adoption of the House in reference to printing the evidence taken in divorce cases before Select Committees.”

The motion was agreed to.

## THIRD READINGS.

The following Bills, reported from the Committee on Banking, Commerce, and Railways, were read the third time and passed.

“An Act to amend the Acts incorporating the Brockville and Ottawa Railway Company, and the Canada Central Railway Company, and to provide for the amalgamation of the said Companies.”

“An Act to incorporate La Societe de Construction du Comte d'Hochelega, as a permanent Building Society, and for other purposes.”

## WITNESSES IN COMMON ASSAULT CASES BILL.

## HOUSE IN COMMITTEE OF THE WHOLE.

Hon. Mr. SCOTT moved that the House do go into Committee of the Whole on the Bill intituled “An Act to provide that persons charged with common assault shall be competent as witnesses.”

Hon. Mr. DICKEY—I would like to call the attention of the House to the principle of this Bill. It is of some importance, not so much from the enacting clauses, as from the precedent it establishes in criminal legislation. It introduces a new element in the laws of evidence as applicable to crime, and applies it not only to summary proceedings, but to indictments and informations for common assaults. It is quite true the Bill provides that where another crime is charged as well as common assault, such as aggravated assault, or assault with intent, it shall be competent for the Court to declare there shall be no case except

*Hon. Mr. Bellerose.*

for common assault. There is a proviso in the third section which is entirely new, and takes a good deal from the objections to the Bill; but still I feel it my duty to call upon the House to express an opinion as to the propriety of this very radical change, and what they consider its effect will be. Now, in the first place, as to trials. This Bill proposes not merely to make the defendant a witness on his own behalf, so as to give him an opportunity of justifying himself if he can, but also to compel him when called upon to be a witness against himself. That to a certain extent, is in the interest of justice, but at the same time, it is introducing an obnoxious principle unknown in this country, except in the temperance measure lately under our consideration. There is another provision which makes it peculiarly objectionable, that is, the wife or husband of the prisoner shall be competent and compellable to give evidence for the prosecution or the defence. A man who gets into a row and is indicted for assault, is by this Bill allowed to bring forward his poor, unfortunate wife to be a witness on his behalf. We all know the sort of pressure which a man who is likely to be guilty of assault, would bring to bear on a delicate woman to compel her to come forward and give evidence, and possibly commit perjury on his behalf, while she may be dragged forward to testify against him, and thus imperil her domestic happiness. I need not enlarge upon the subject. I have a further objection to this Bill—its effect as a precedent in criminal legislation. It is all very well to say this is confined to common assaults, but we know what the effect of a precedent is. We know this will be the entering wedge for greater changes in future. It may be said, this applies to cases which are to a large extent private prosecutions. So it may be, but there are many other cases, such as nuisances, obstructions to roads, etc., where parties are indicted and where they would be very glad, indeed, to have a provision in the law enabling them to come forward and give evidence on their own behalf, and thus add to the growing crime of perjury. Is it desirable, in the interest of justice, itself, that a premium should be put upon men testifying falsely in their own behalf, and a precedent established which I have no doubt will be

followed very soon by a measure extending the principle to all cases of what may be admitted to be private prosecutions, and ultimately, to all criminal charges? I feel it my duty to ask the House if this is such a case as will warrant them in relaxing the ancient rule of criminal evidence, and establishing a precedent likely to be followed in the future in a manner that will not be conducive to the ends of justice, or to domestic comfort.

Hon. Mr. MILLER—I cannot but feel there is a great deal of force in the observations of my hon. friend. We are called upon to notice an innovation in the laws of evidence which should be well considered before being adopted. At the same time, I must say, my own conclusions are in favor of the Bill before the House. My hon. friend well knows that the principle that is now sought to be applied to trivial cases of crime is one that has already had a long application in connection with civil cases. For a long time the law has been that a party interested in a suit is competent to testify on his own behalf, and compellable to give evidence against himself. Although for many years there was a very strong opinion among jurists against the wisdom of allowing interested parties to give evidence, still, I think the weight of the best opinion in regard to that subject, is in favor of the law as it now stands. If it was proposed to extend the principle to serious cases of crime, I should desire to give the subject much greater reflection before expressing approval of any such change, but we are not called upon to do anything of the kind in this Bill, though I am not sure but we may before long be called upon to consider a bill of that character. The subject has received a great deal of attention in England lately; and for the past two Sessions in the British Parliament Committees have been considering the propriety of altering the criminal law so as to permit the parties accused of the more serious offences in the criminal calendar to give evidence in their own defence, and I believe it is not at all improbable you will see, before long, an Act introduced into the British Parliament, which will largely modify the practice of criminal law. We are not called upon to consider that question just now, but may soon have it before us. I think we are apt—and perhaps it is a

Hon. Mr. Dickey.

wise thing in the genius of our people—to cling somewhat superstitiously to old customs and usages, and we are slow, generally, to question the wisdom of things that have long existed. Much of the perfection which our institutions possess is, however, due to this aversion to change, which is inherent in our people. I have no difficulty, whatever, in agreeing to this slight innovation in the criminal law. We are asked to allow parties who are now competent and compellable to give evidence in civil suits in which immense sums of money and all their civil rights are at stake, to give evidence in small cases of common assault, where the penalty, at the outside, cannot be more than a small fine. The amount of money really at stake in any suit that can arise under this Act is so small as not to afford anything like the inducements to perjury, that would result from the most ordinary cases of litigation every day taking place before the courts of the country. Every day the parties who are likely to take advantage of this Act, are having cases before the inferior tribunals of the country, and we see them giving evidence on matters affecting their pockets to a considerable amount, and nobody supposes that, although occasionally there may be instances where perjury has been committed for small considerations, the law has had any other effect, on the whole, than to facilitate the ends of justice. This being the case, in regard to this measure, I do not think it is such an innovation as to cause any alarm, although it was perfectly right that my hon. friend, holding the views he does, should not look favorably on the passage of this Bill. We know at the present time, serious wrong and injustice frequently occur where parties charged with assault are not allowed to give evidence. Nobody knows better than those who are engaged in the practice of the profession, that, as the law stands, it is a race as to which party will get the process first, in order to ascertain who shall have the judgment of the court in his favor. Under the circumstances I shall vote for the measure.

Hon. Mr. KAULBACH—I must say I agree with the remark of my hon. friend as to the unwisdom of going far in advance of what England may do in this matter, but I think in this case it is merely a question of damages, and the practice of

the Courts for the past few years shows that we get at the truth in these cases by allowing the parties interested to give evidence, and justice is better done in the premises. We find very often under the existing law parties charged with common assault enter cross actions in order to get at the truth. I must say from my knowledge of the results in civil suits, where the question is purely one of damages, the system works well. The Bill meets with my approval.

Hon. Mr. TRUDEL.—I was not present when the second reading of this Bill took place, otherwise I would have thought it my duty to protest against it. I agree to a certain extent with the arguments used in justification of the measure. According to my opinion, the best argument in support of it is that in assault cases one party is allowed to give evidence, and the one who enters the complaint first has an advantage over the other. Although at first sight it may appear perfectly fair that the defendant should be allowed to give evidence too, I consider that the admission of such a principle would be dangerous. In the Province of Quebec the principle of allowing interested parties to give evidence in civil suits is not recognized, and I hope it never will be. I think it would be a very dangerous innovation, as the experience of the Provinces, where the principle has been admitted, proves, if I have been well informed. It is said all comparisons are odious, and, therefore, I would not like to draw comparisons between the various systems of law in force in the different Provinces; but still, I think I may be allowed to assert that the system of civil law in force in the Province of Quebec has been admitted by juriconsults in every country as one of the best in the world. All the authors on civil law in Italy, Germany, Belgium, Switzerland, Spain, and even England—in fact all the European countries—consider the French system of law as the most perfect. I think it would be well to adopt the system in force in many countries, of taking the declarations of interested parties, but without giving them the value which attaches to the evidence of competent witnesses, and great latitude to the judge to draw his own conclusions from such declarations. From a legal point of view, I should say that if the wife be admitted to give evidence for her husband, while the

*Hon. Mr. Kaulbach.*

judge may have strong reason to believe that she is influenced by her husband to give false evidence, he is bound by the law to decide the case according to the evidence. I think more latitude should be left to the judge, and that only the declarations of interested parties should be allowed. He could then exercise his discretion as to how much reliance could be placed upon such statements. I shall not oppose the Bill, although I think it a rather dangerous precedent to establish.

Hon. Mr. SCOTT.—I am very glad to hear the general current of opinion is not hostile to this Bill; although, as has been observed, it is a new feature in our legislation. Changes are going on in the criminal law every year, and, I think, during the past four or five years they have been in the right direction. The practice of allowing interested parties to give evidence in civil proceedings was long ago introduced in our courts, and, in all proceedings in the Chancery Court, interested parties have, for more than a quarter of a century, been allowed to give evidence, and their evidence is taken by the tribunal for what it is worth. The testimony of all witnesses is not equal. The judge must decide as to its value by the manner in which the evidence is given. The necessity of applying this rule to cases in common assault, must have struck everybody who has taken an interest in the subject. Two parties, White and Green, have a row, and each considers the other the aggressor; White goes to one magistrate and swears out an information; Green goes to another, and has White brought before him. In such a case neither magistrate has the advantage of hearing both sides of the question, and there cannot be the justice rendered under such circumstances that there would be if both sides were heard by the one magistrate. The tendency in England has been in the direction of the principle of this Bill, and I believe the subject was mentioned in the Speech from the Throne at the late opening of the British Parliament. I may mention here that the Lieutenant-Governor of New Brunswick lately drew attention to the importance of legislation, in this direction. He proposed that interested parties should be competent to give evidence in cases very much more serious than common assault. I think the proposal was to include crimes—that a

person standing in the dock under any charge whatever should be a competent witness in his own trial. The Bill before the House does not go any further than to apply the principle to cases of common assault. I think the effect of it will be good.

Hon. Mr. HAVILAND—This Bill goes further in my opinion than any other legislation has hitherto gone in England. According to the latest authorities I have read on the law of evidence, in no criminal proceedings are interested parties allowed to be witnesses. There is one clause in the Bill to which I particularly object, and that is the one which authorises the wife to be a witness either for or against her husband. Naturally such evidence will always have more or less, a certain bias, and it will put the wife in a false position altogether. It cannot fail to interfere with the domestic relations of the husband and wife; relations which have been looked upon as so sacred, that it has always been thought far better that the wife's evidence should be altogether excluded in criminal cases. If her evidence should be the means of convicting her husband, it is self-evident that ever afterwards there could not be that domestic peace, harmony and affection between the husband and wife so necessary for the prosperity and happiness of a family. Therefore I am opposed altogether to that clause. I do not see so much harm in the other parts of the Bill; in fact I rather approve of them than otherwise. It is laid down in all the text books on the laws of evidence that the statement of a prisoner is something like Mahomet's coffin, between Heaven and earth; it ought to have more weight than an ordinary statement, but it has not the solemnity of an oath.

Hon. Mr. SCOTT—I will give my hon. friend an illustration which will show the necessity of allowing the wife of an interested party to give evidence. Supposing a man and wife are walking together, and the husband gets into an altercation with another man, and is brought before a court on a charge of assault, would it not be proper in such a case that the wife should be a competent witness?

Hon. Mr. Scott.

Hon. Mr. HAVILAND—Reverse it, and what would be the effect?

Hon. Mr. SCOTT—It is for the tribunal to hear all the incidental circumstances. We know the tendency of the wife would be to screen the husband, and that tendency every tribunal would thoroughly comprehend and appreciate.

Hon. Mr. BELLEROSE—I must say I am not in favour of such legislation as this. It seems to me to be of a very dangerous nature, because respectable men are frequently assaulted in the streets at night, and if the individual making the assault is allowed to give evidence, the consequences will be most dangerous. I rise, however, to suggest that instead of making this a separate Act, it should be an amendment to Chap. 20 of the Statute of 1869, which relates to offences against the person. It would enable the magistrates who have to deal with this class of cases to refer more readily to it. As the Statute stands, justices of the peace will find it very difficult to familiarize themselves with all the details of the law.

Hon. Mr. SCOTT—I quite agree with my hon. friend that many important changes might be made in the direction to which he refers. But I trust he will not ask me now to engraft this Bill on the Act relating to offences against the person, because I think it would not be wise to do so. The magistrates are from time to time provided with the criminal laws germane to their duties, and after a series of years they are published in one volume; and therefore justices have them in a convenient form for reference. The Bill was not originated by the Government.

Hon. Mr. CAMPBELL—It ought to be a Government Bill.

Hon. Mr. SCOTT—Perhaps any change in the criminal law should be made by the Government. However, we take the responsibility of this measure.

The House then went into Committee on the Bill, Hon. Mr. Alexander in the chair. The Bill was reported without amendment, and was ordered for third reading on Monday.

## CONSTRUCTION OF THE PACIFIC RAILWAY.

DEBATE CONTINUED.

The Order of the Day being read for resuming the adjourned Debate on the Hon. Mr. Read's motion—To resolve, That this House regrets that the mode adopted by Government in relation to the construction of the Pacific Railway involves the expenditure of enormous sums of public money without any corresponding beneficial results.

Hon. Mr. PENNY said :—In attempting to address you upon this subject, I feel I ought to apologize in advance, because a great deal of what I have to say has been gone over by the hon. Secretary of State before me. But having looked into this matter from an entirely independent point of view, without any communication with him, I have arrived at the same conclusions as himself, and, therefore, I shall venture notwithstanding the repetition to mention them to the House. Perhaps I may throw some side-lights or new lights on some of the details, but generally I am afraid there will be something like monotony in the remarks I have to address to the House. Of course we all understand that very large expense is always incurred in the construction of a great railway, and I shall not be surprised if at different times a great many expenses have been, and will be incurred, that some gentlemen may think have been improper or imprudent, because it is almost impossible for a work of this gigantic sort to be carried out without some mistakes being made, which experience will show might have been avoided had it been possible to foresee them. I think the resolution before the House, however, is one that would not be justified by the facts. I confess I was very much surprised that the hon. gentleman from Belleville should have gone again over the details of this steel rails question. Not that I imagined that gentleman would have gone back from the opinions he has hitherto formed. I perfectly well understand that many hon. gentlemen in this House think it was an unwise thing to buy the rails at that time, and that loss has been sustained in consequence of it. Perhaps there has been loss, but the question of the propriety

Hon. Mr. Penny.

or impropriety in buying the rails, does not altogether depend on what we know now of the transaction. Those who had to undertake to build the railway, had to look upon it in the light of experience. They found at that time that rails were at a very low price—at such a low price as had not been touched for a great many years, and never except for a moment. It seemed manifest to many people that it would be a long time before they could be bought at that low figure again. At all events, whether the Government bought profitably or otherwise, they acted on the same principles as a great many shrewd business men who wanted to make money have acted on in general business matters. They bought, believing a great rise in price was certain. To show how impossible it is for the ablest business men to foresee the fluctuation in values during a time of depression, I shall read the following extract from the *Chicago Tribune* :—

“A remarkable change is to be noticed in the financial articles of newspapers, and the tone of conversation among business men. The confident statements that “hardpan”, has been reached, that the worst is over, that reaction has begun, that things are on the up grade are heard no longer. Three years was unanimously decided in the 3rd year after the panic, to be the extent of the period of restriction; but here, in the fifth year after September, 1873, prices are still going down. The estimated decline of prices in the year has been 10 per cent.”

Now, I suppose there is no one in the world, who, beforehand, would have imagined any such depreciation of prices as that, and the fact that people have been losing money from this depreciation of values shows that this Government, like other people, thought while prices were so low, it was a good time to buy, and failed in their object in consequence of misconstruing the signs of the times. They did nothing more than the shrewdest business men of the country had done. This was a question, however, that was open to everybody, and the gentlemen who were of the same view as the hon. gentleman, the mover of this resolution, now thought it would have been better not to buy the rails until they were actually required. But we all understand how very easy it is to be wise by experience, and, in that light, this transaction is a fair matter for discussion. As to the conclusion which

has been arrived at by the hon. gentleman from Belleville, that there has been anything like jobbery or favoritism in the steel rails purchase, however, it is a conclusion that cannot be derived from the printed correspondence and the circumstances set forth in that return. It is a complicated matter, no doubt, and it takes some time to find what is called the "true inwardness" of the affair. My hon. friend on the other side has taken a great deal of pains to make out a case against the Government. But he seems to me to have failed, after all, to understand it, and especially failed in observing the points that tell against the theory he has adopted, and, I think, adopted improperly. I shall say little about the advertising for tenders, because the result of that advertising justifies the mode of it in the minds of all impartial men. Whether the notice was advertized badly or otherwise, need not be questioned, when we see that the largest number of tenders that could be expected by any advertizing were actually obtained. Twenty-eight tenders came in from houses that, I suppose, no man will pretend to say can be excelled by other manufacturers in that trade; so that there can be no question that the advertizing produced exactly the result that a man who wanted to get iron at the lowest possible price would have desired. Those offers were not from one class of people only, nor were they confined to one country. They were offers from English, French, Scotch, Welsh and Belgian firms, and one unlucky man under the high pressure system of the United States, which, we are told, makes everything so cheap, put in a tender which was ridiculously in excess of those of everybody else. The returns show that the contracts were awarded to the lowest tenderers; that is to say, every man who tendered at a low price got the quantity he tendered for, to begin with. The lowest price was that of Cox & Green, and the quantity they tendered for was ordered from them as it was ordered from others, according to the quantity required and according to the quantity that each of them had tendered for. My hon. friend has made this point: he says that after the tenders had been in, and after, I think he said, they had been accepted—the first quantities of them—that Cox & Green

Hon. Mr. Penny.

being the lowest tenderers, applied again to the Government and said, "Now, if you want more rails we can let you have them at the same price." I understood him to reason in this way: that Cox & Green were told no more rails were wanted, and then, having disposed of them in that easy manner, somebody else, at a subsequent date, was awarded the contract, to fill the gap made by refusing to take more rails from them at this low rate. I think, if he had looked more carefully at the matter, he would have found that Cox & Green did apply for the supplying of 5,000 tons more than their first tender and the original contract awarded to them. To their first offer of this additional lot, however, they were told, "no more rails wanted, thanks." That was the reply; but it seems that sometime after, Cooper, & Fairman who are supposed by my hon. friend to be the favored individuals throughout, also enquired if any more rails were required, and in the same way they were told that no more were wanted. Now, on the very day that those supposed favored people were thus told that no more rails were wanted from them, Cox & Green received an order for the other five thousand tons that they wished to supply; so that instead of being got rid of, as has been stated, Cox & Green's larger offer was accepted, and the other firm, Cooper, Fairman & Co., was for the time shunted off. There is another remarkable point about the second offer of Cox & Green for 5,000 tons: they did not offer an unlimited quantity, and I have reason to believe they had no unlimited quantity to offer. What they offered was just the additional 5,000 tons, and they stated in their letter that unless this was accepted at once the rails could not be furnished, for the reason that somebody else was in treaty for the lot. I think that shows very plainly that there was no disposition to pass over Cox & Green, or rather their principals, the West Cumberland Company, in order to favor anybody else. Their offers were exhausted before the next lowest tender was come to. That is what I find in the returns that we have before us, and I think that is a very fair *commencement de preuve*, as we say in Lower Canada, to base further evidence upon. I find then that this view which I have gained from the official papers is further borne out by the state-

ment of Mr. Thomas Workman, made in the House of Commons. I suppose no one will doubt that that gentleman said what was true when he alleged that he had been informed by Cox & Green that the Minister had offered to take as much from them as they could supply at their low price.

Hon. Mr. READ—Is that in the correspondence?

Hon. Mr. PENNY—You will find no offer in the paper from them beyond this 5,000 tons, and there was a condition attached that unless their offer was taken at once the rails could not be furnished. As I have said before, the papers show that the Government at first took all that Cox & Green offered, and that they offered this lot on the condition that it must be taken at once or not at all. Now, I supplement that by the statement of Mr. Thomas Workman as to what Cox & Green had told him. I thought, however, it was best to go to headquarters in this matter, and accordingly I addressed the following telegram to Cox & Green themselves:—

“Did Mackenzie want more rails from you than he got in 1874?”

And this is the telegram I received in reply:—

“MONTREAL, April 11.

“To E. G. PENNY:—

“We obtained a contract for ten thousand tons, which was all our principals, the West Cumberland Company would supply.

“(Signed), COX & GREEN.”

I think this is pretty good evidence—at all events, it is evidence from headquarters—and, unless hon. gentlemen are prepared to go into some examination, that will prove that what those gentlemen state is not true, we are, I think, bound to accept the assurance of men who are as respectable and worthy of belief as any one in this Senate. The hon. gentleman subsequently remarked that he found no fault with any of the awards to Cooper, Fairman & Company, except with the order for the last 5,000 tons, which were given to Naylor, Benson & Company. It is quite true that there was no tender from Naylor, Benson & Company amongst the tenders that were sent in, but what is also true is, that the price on which Naylor, Benson & Company got the order

Hon. Mr. Penny.

was the lowest tendered for, Cox & Green's offers having been exhausted before this supplementary order was given. That, I think, disposes satisfactorily of the rail question. As to the nuts and bolts, the hon. gentleman made this point: he said that Messrs. Darling & Company offered nuts and bolts at a lower price than any other person; and he said, also, that, comparing the price that they tendered at and the price that was obtained by Cooper, Fairman & Company, or, rather, by their principals, the latter was an excessively high one. On the first blush of the thing, that appears to be not an unreasonable statement; but there are several things that appear in those papers which the hon. gentleman has not brought out, and which, I think, throw a different light on the subject. I am not going into the reasons of the Secretary of State for the form of tender, which made it essential that a proper supply of the nuts and bolts should go with the rails. I am putting that out of the question for the moment, and looking at what the papers disclose. Now the hon. gentleman passed very readily over the tender of Messrs. Watson & Company, as represented by Mr. McIntyre, and he said he did not know much about it. Mr. McIntyre's tender was made out at \$92.47 per ton. I think it was the very lowest. That gentleman was then told on behalf of the Government that he was likely to get the contract for the nuts and bolts, but he refused to accept it, and said he felt certain that his principals would not take the contract for those nuts and bolts without getting the contract for the steel rails. The nuts and bolts were a very small percentage of the whole order, and to take the contract for them alone at a very low rate would I suppose have been to lose money. At all events that is what he said. The communication made to Mr. McIntyre on behalf of Watson & Company is this: “Your price for nuts and bolts is lowest, but the rails are higher.” The reply was that he felt sure his principals would only take an order for bolts and nuts, provided they got an order as well for some of the rails. This letter was followed on the same day by this telegram:—“I wrote by mail to day, meantime reserve some of rail order. Watson, I fancy must have order for some rails as well as bolts and nuts.” It shows this, that the price of nuts and

bolts by themselves affords no criterion of the propriety of the bargain. Then there is another thing that the hon. gentleman from Belleville did not tell us. He spoke of the \$101 per ton paid to Cooper & Fairman as being such a monstrous price that it was no wonder Cooper, Fairman & Co. "grabbed" at it. At all events he represented that those gentlemen had got something by the favoritism of the Government that was wonderfully profitable to them. But, on being asked to deliver the nuts and bolts at this monstrous price, they actually refused to have anything to do with that order until, in the case of one lot, they were compelled to do so by the Government. So that the thing that was represented as being of the utmost value to those gentlemen seems to have been of no value at all, on the contrary, they wanted to get rid of it; and did get rid of it to some extent. As the Mersey Co. would have nothing to do with the nuts and bolts, you will find in the correspondence that Cooper, Fairman & Co., their agents, rather than lose the whole affair, said to the Government: "Take the rails at this cheap price, and we will find other manufacturers who will furnish the nuts and bolts." They accordingly asked, and obtained permission, to supply 5,000 tons of the nuts and bolts, the manufacture of Robb & Co. From another part of the return it would seem that they asked again to be allowed to supply nuts and bolts of another manufacture than that of the Mersey Co. The Government replied, "No." I presume that is one reason why the tender of Darling & Co. for these nuts and bolts came to nothing, as it was something like the case I mentioned of Mr. McIntyre, as tenderer on behalf of Watson & Co. I suppose Messrs. Darling would not, in any case, have taken the nuts and bolts without a steel rail contract as well. If, however, the hon. gentleman from Belleville had informed us of all that he must have found in the papers, he would have told us that, practically, Darling and Co's. tender was withdrawn because they never had the power to offer a price for the rails, because their offer was confined to the nuts and bolts, and because eventually their principals took the matter out of their hands. In the course of the correspondence, the last communication from these gentlemen was to the effect that

Hon. Mr. Penny.

their principals had tendered on their own account, so that they were practically out of the matter altogether. That I presume to be the case, for we hear no more of their desire to supply the nuts and bolts. My hon. friend from Belleville represented that Darling & Co. were very much injured by the contract being taken away from them. I have rather an extensive acquaintance in Montreal, and I have discussed this matter with many gentlemen in the trade, and especially with one of the late firm of W. Darling & Co., over and over again; I have heard him say that no fairer contract was ever awarded than this. To be quite sure, however, I have by telegraph asked Mr. Darling whether he had any reason to complain of the treatment he had received in the awards for the nut and bolt contract, and the following is the telegram which I received in reply:

"MONTREAL, 6th April.

"To Edward G. Penny:

"Have no reason to complain.

"(Signed) WM. DARLING."

In that case, as in the other, I went to headquarters, and surely if these gentlemen thought that they had been illused, and that higher tenders of other parties had been accepted over their heads, they would have taken an opportunity of protesting against such an injustice. Those gentlemen possess that Scottish character, If I may be allowed without offence to refer to the ticklish question of Scottish characteristics, I should say that these gentlemen possess in the full measure the *per servitium ingenium Scotorum*, but that being Lowlanders, this energy is shown less in a disposition to appropriate what belongs to others, than in a very powerful tenacity of whatever fairly belongs to themselves.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. PENNY—Then there is another thing that I need hardly refer to, as the Hon. Secretary of State has already alluded to it, but I think it would have been more candid if the hon. gentleman from Belleville had seen fit to remind us of it. He told us of the tender of Darling & Co., which he spoke of as being extremely low; that was, however, to be free of duty, but he should have told us, I think, that in the case of

some of the \$101 per ton bolts and nuts supplied by Fairman & Cooper, the duty was to be paid. There was a duty of 5 per cent on the nuts and bolts, which made something like half the difference in the two prices. But the true fact I believe was that the nuts and bolts contract was never desired by Darling & Co., by itself, and that as I have already shown it was positively refused by Cooper, Fairman & Co's. principals, who are supposed to have got an enormous benefit from it. With regard to the transport of the rails, I have not perhaps got as much information as I have about the purchase. I am not acquainted personally with any gentleman who had anything to do with the freighting, but I find a table in the return which shows that the price given was 20 cents a ton more than the lowest price tendered for. The lowest price tendered was by Mr. Samuels, but Mr. Samuels withdrew his tender, as is shown by the correspondence in the printed return. The hon. gentleman from Belleville says he only withdrew his tender after he had been told that the contract had been disposed of. I admit that there is an incongruity about the dates at first sight, but I should like to know why he withdrew his tender at all, if he thought he was able to carry it out? It is evident if he felt, as the hon. gentleman thinks he felt, that the contract had been taken away from him in an unfair manner, that he would not be likely to assist the Government out of a scrape by sending them a letter saying he could not have fulfilled the contract. The fact brought out in the correspondence is that Mr. Samuels is not a shipowner, and when he was applied to by the Government to know what vessels he could furnish to fulfill his contract with, he had to reply as his final answer, that he could not do it at all. Perhaps other people had monopolized the vessels that he expected to control. At all events it appears by his last letter that he could not obtain them. I might say that there is an evident error in the dates of the correspondence, and it may be that the notice from Mr. Samuels, that he could not fulfil the contract, had been sent in to the Government before the communication made to him that he would not have it. Anybody

*Hon. Mr. Penny.*

who looks at it will observe that there is an error of a whole year in the dates. I am not going to make a point of that, but the gentleman evidently withdrew his tender for some reason known to himself, but quite inexplicable, if he could and wished to fulfil it. I suppose he would not have done so, unless he felt that he was unable to fulfill it. Coming to the other points to which my hon. friend alluded, and which, at least, have something of the charm of novelty about them, I may say what has struck me chiefly is the very chaotic state of opinion that prevails among hon. gentlemen that have taken a leading part in the Pacific Railway question on the other side of the House. My hon. friend from Toronto (Mr. Macpherson) has a very strong opinion upon this subject. We all know he thinks now that the line from Thunder Bay to Winnipeg is entirely a mistake. I say he thinks that now, and the hon. gentleman who sits behind me, showed us the other night that he thought so at another period. But there was also a period—an interim period—when he thought very differently, because I find this is one of the utterances of the hon. gentleman on an occasion between the two periods referred to. He says, in one of his pamphlets, respecting Sir Hugh Allan's Company: "He believed it was the intention of the company to connect at Sault Ste. Marie with the Northern Pacific Railway, and use that line between the two points named." That very thing is what the hon. gentleman had previously thought should be done, and what he thinks should be done now, but in the pamphlet I refer to, he made the following statement:—

"If this is carried on, our great national enterprise, instead of being the successful rival of the American company competing for the Asiatic trade and building up the Dominion as no other undertaking can do will simply be the Canadian branch of the Northern Pacific Railway."

We all of us occasionally alter our minds, and I think it is clear that the hon. gentleman has altered his. At the time when he thought in the manner I have just described, he had the good fortune to have almost all his fellow countrymen in the Province of Ontario with him. But, again, the Hon. Mr. Aikins has a different opinion from that entertained by the hon.

member for Saugeen. He thinks that the most important part of the road that can be made is this branch from Thunder Bay to Winnipeg. The rest may be a very good thing in its way, but it is a matter of very small consequence to Ontario, and all the rest of the world is bound up in the fortunes of that great Province unless this is also completed. There are several gentlemen on that side of the House also who think the Georgian Bay Branch is a very mischievous scheme, but I suppose they observed on the division that took place when that subject was under consideration that three hon. gentlemen from Lower Canada, who usually vote with them, left the House rather than join in their resolution. That, I imagine, indicated that on this subject, at all events, there was a great difference of opinion amongst those gentlemen with regard to this part of the Pacific Railway policy. But then these Lower Canadian gentlemen who did not agree with the majority on the other side in condemning the Georgian Bay Branch were entirely unanimous with the bulk of the majority in regard to the Esquimaux and Nanaimo Branch. But again, there were gentlemen from British Columbia, who usually act with the Opposition, who did not vote with them on that question, and who think it very hard that they should have lost their pet project of the Esquimaux and Nanaimo road at the hands of their friends. We have not all the wisdom on this side of the House, however, and I think the hon. gentlemen on the other side showed their wisdom on that occasion. I showed my faith in their wisdom by voting with them. I mention these diversities of opinion to show the impossibility of unanimous agreement on what is to be done with regard to the routes and branches of the Pacific Railway scheme. It follows that if the Government should be disposed to take the advice of hon. gentlemen opposite, they would find themselves in the unfortunate position of the venerable individual in the fable we all have read of in our school-boy days, who being too good natured and seeking to please everybody, really pleased nobody, and lost an animal, which respect for this body forbids me to mention. I believe, however, I have brought in this rhetorical point a little too soon. I desire to point out that the hon. gentleman from

*Hon. Mr. Penny.*

Manitoba (Mr. Girard) also has a peculiar idea of his own about this railway. He says he is very much pleased with the Pembina Branch, but he is afflicted by the thought that it is going to take all the traffic of the Province to the United States. I presume that any person who had anything to do with the initiation of that part of the enterprise, however, knew very well from the beginning, that the road from Winnipeg to Pembina went to the United States, and one would suppose that whatever inconvenience there may be from it--if there be any inconvenience in the country being put in communication with the United States--would not have been discovered as it seems to have been, at the very last moment. It shows again the impossibility of the hon gentlemen on the other side making up their minds as to what should be the proper policy. Whatever the Government have done, and whatever they are doing and whatever they may propose to do, however it is approved by some of these gentlemen, others will look upon it as a sheer waste of money, will tell them that they ought to be doing something else, and if they will only take their advice everything will be serene and beautiful. Although I voted with the hon. gentlemen of the Opposition on the occasion of the rejection of the Esquimaux and Nanaimo Railway Bill, hon. gentlemen from British Columbia did not, I think, congratulate themselves on the company they had been keeping, and I am not sure but some other gentlemen will find that it would have been much better if they had taken a more moderate view of this whole question of the Pacific Railway. I have endeavored to show how impossible it is, from the division of opinion that exists on the other side of the House, to fix upon any definite plan with respect to this railway which will please them all. I conclude whatever ministry are in power they will have to fix on their own plan, and carry it out accordingly, to the best of their own judgment. I think it is likely, if the hon. gentleman from Kingston was on this side of the House, he would have a plan that hon. gentlemen who would then be in opposition would have ample cause to find fault with. That, even then, some would be found to assert it should be built at this place or at another place, different from the official

choice, that we might easily lament its location and manner of construction, and express our regret, perhaps not unreasonably, that so much money had been uselessly expended. Amongst other things of which the Government have been charged, was involving the expenditure of a great deal of money on the Fort Francis Lock. It needs no discussion to show that this Fort Francis Lock would not have been undertaken had it been known at the time it was commenced that the railway route was to have been laid down on the present location. And my hon. friend from Toronto, in speaking of this matter, said, with a great deal of candour and propriety, that he should not have blamed the Government for building this lock had they stopped the expenditure at a certain point. It seems to me then that the whole problem is this: whether, after expending a large amount of money, it was desirable to abandon the work or go on, and, by an expenditure of another sum of money, make something of it that would hereafter be useful to the country. This depends entirely on the question as to whether the lock is useful or not. I have not been there, but, judging from what I have read in the reports of gentlemen who have been there, the result of this work will be the opening of navigation in one direction, eastward, some forty-four miles, to Kettle Falls; in another direction sixty-eight miles, to Sturgeon Falls, and, on the west, to Rat Portage, about 155 miles, making, in all, a direct distance of 267 miles of navigation—as long as Lake Ontario. But this navigation is really much increased in consequence of the indentations of the coast, and we all know how much more disposed people are to take up land in the immediate vicinity of navigation than back in the interior of the country, even if there be a railway through it.

Hon. Mr. CAMPBELL—But there is no good land there.

Hon. Mr. PENNY—It is the experience of the whole country that people have preferred to settle upon the banks of rivers and lakes rather than upon lines of railways, because railways give them but very narrow means of access while the other affords a very broad one. It has been said that it would be a very expensive

*Hon. Mr. Penny.*

matter, apart from the lock, to complete this navigation from Kettle Falls to Rat Portage. I have been informed, however, on good authority that the construction of the lock at Fort Francis has already obliterated by its dam the rapid above it, without any further improvement being necessary at that point. So that there is no difficulty whatever in vessels drawing five feet of water passing through that navigation to the eastward. On the next side below the lock there has never been any difficulty about the depth of water, the only trouble in that direction being the intricacy of the channel in the Longue Sault, which can be improved at a small expense by the removal of a few boulders, and the Manitou rapids. The latter is the first met with below the Fort Francis Lock, and it presents no very great difficulty even now, because a vessel of six horse power comes up against the current with the aid of cattle or horses to tow it through the swift current at that particular point. The conclusion that I would draw from those facts is, that whether the lock costs more or less money it will at all events open a very useful stretch of navigation—I say for the moment extensive, I will not say useful, because I will come to that presently,—but an extensive navigation, at an expenditure not desirable to have undertaken for its own sake at present, but which will have a very valuable return in the increased facilities which it will afford for the settlement of that part of the country. It will afford free communication from one end of this stretch of water to the other, and especially will open up communication with the railway at Rat Portage. I think that the opening of a navigation like this, if it is in a country that possesses a capacity for usefulness, whether it be a matter of a hundred thousand dollars or two hundred thousand dollars expenditure, will not, in the long run, be of any great concern to us. I consider it would have been a great mistake, after having laid out \$80,000, to have abandoned this work, when, by going on and completing it, we can obtain a good result. I am one of those unfortunate persons who are obliged to trust to other people for information in this matter. I know there are gentlemen in this House, who have been in that country, but, with all respect for the capacity for observation which those gen-

men have, I do not think a rapid passage through a wilderness, such as they made, is just the thing to inform us of its capabilities. On the other hand, I think it rather tends to deceive. I hold in my hand, however, the Sessional papers of 1875, from which I propose to read a few extracts from the report of Mr. Dawson, a gentleman who, I fancy, enjoyed the confidence of the late Government, and, I dare say, with very good reason, as, I believe, he is a man very competent for the purposes for which he was employed. I do not think on this side of the House anyone—although some others may differ from him in opinion—will say he is incompetent. Great stress has been laid on the statement that there are many hundred miles of that country where the foot of white man never trod.

Hon. Mr. CAMPBELL—That was the language of the Premier.

Hon. Mr. PENNY—Perhaps it did not refer precisely to the same point. However, whether it was the language of the Premier or not, I dare say it was a very proper remark. I am not complaining of it, because in this country of vast territory there are many stations where white men have never set their feet, and in which we are expending vast sums, I suppose in order to make such places suitable for white men to go into and settle upon hereafter. It has been said that no white man ever could set his foot in the country of which I have been speaking. But, in the face of all this, I find that Mr. Dawson, under the heading of his report, "The Fertile Lands of the Red River Route," referring to the lands lying just about this section of the country, says:—

"I have referred to the Rainy River district in previous reports as being well adapted to settlement, both from the fertility of its soil and the advantages of its situation. Alluvial land of the best description extends along the banks of Rainy River, in an unbroken stretch of seventy-five or eighty miles from Rainy Lake to the Lake of the Woods. In this tract, where it borders on the river, there is not an acre unsuited to cultivation. At intervals there are old parks, like Indian clearings overgrown with oak and elm, which although they have naturally sprung up, have the appearance of ornamental plantations. From the mouth of Rainy River this fine tract continues along the southern coast of the Lake of the Woods, eastward to the Sebaskin (or Labyrinth), a district so called from the intricacies of the

Hon. Mr. Penny.

channels among innumerable islands. In this stretch of forty miles, two rivers, called respectively the Big Wild Rice and Little Wild Rice, enter the Lake, and on the banks of these rivers, for some distance inland, the soil is equal to that on the borders of Rainy River."

Hon. Mr. CAMPBELL—That is the Rainy River district.

Hon. Mr. PENNY—Yes, but that extends as far back east, at all events, as Sturgeon Falls.

Hon. Mr. MACPHERSON—Only to the Lock.

Hon. Mr. PENNY—He says a great deal more than that:

"Having reference generally to the tract under consideration, it may be described as bounded to the east by the lower area of Rainy Lake, which runs thirty miles into the country in a northerly direction, to the south by Rainy River, to the west by the Lake of the Woods, and to the north by the Laurentian Hills. Its area is of sufficient extent to afford room for fifty townships, and although it may not all be of equal fertility, it is known for a certainty that on the banks of Rainy River, on the south coast of the Lake of the Woods, and on the borders of the two streams which I have mentioned, it cannot be surpassed.

Here, then, is a connected water frontage of at least 150 miles, bordered by land adapted for continuous settlement. The advantages of such a means of communication in a new district are strikingly evident. A settler needs but a boat to go to the mill with his grain, or to procure boards for his buildings, and thus finds himself for a long time independent of roads, which, under the most favorable circumstances in new countries, can only be gradually introduced.

"The whole district is covered with forests, and Canadian settlers would find themselves in a country, similar in many respects to the places of their nativity, nor does the climate differ essentially from that of the most favored parts of Ontario or Quebec. Wheat was successfully grown for many years at Fort Francis, both by the old North-West Company and their successors—the Hudson's Bay Company. The Indians still cultivate maize on little farms on Rainy River, and on the islands of the Lake of the Woods. In many places the wild grape grows in extraordinary profusion, yielding fruit which comes to perfection in the fall. Wild rice, which requires a high summer temperature, is abundant, and indeed the flora taken generally indicates a climate in every way well adapted to the growth of cereals."

Hon. Mr. CAMPBELL—The lower arm of Rainy Lake would be within two or three miles of Fort Francis Locks, as Rainy Lake runs down to within a mile and a half of Fort Francis. The good land is all down Rainy River.

Hon. Mr. PENNY—Mr. Dawson further states :

“What has been said of the Rainy River district, is in many respects applicable to the more limited areas of good land, and other parts of the highway to the North-West. On the Thunder Bay road, the Government of Ontario has recently laid off free grant lands which will doubtless prove attractive to emigrants, on account of the ready market which they are sure to find for agricultural produce. At many other places along the route there are tracts of greater or less extent fit for settlement, in proximity to groves of pine, or lands likely to yield valuable minerals.”

Hon. Mr. CAMPBELL—That is not the good land. The good land is one thing and the forests of pine are another.

Hon. Mr. PENNY—Sometimes people go in amongst the forests of pine and establish themselves there. Mr. Dawson further reports :

“Independently of the lumber trade which must spring up from the demand for boards and timber generally in the unwooded prairies to the west, there are evidences that other industrial occupations will arise. The Indians both of Rainy Lake and the Lake of the Woods have among them specimens of native gold and silver ore, which they affirm is to be found, in places known to them, in abundance, and the rock formation is such as to corroborate their statement. Iron ore is plentiful in many sections, and charcoal for smelting easily obtainable. Granite, which experts say is equal in texture and fineness to the best imported specimens, is to be found at the Lake of the Woods, and the slate of which the Indians make pipes, a very valuable article for the construction of furnaces, is abundant at Rainy Lake and Sebaskin. These, together with stone for building which is quite unlimited in quantity, may yet find a market on the prairies, where there is neither stone nor tree. It is important to settlers to know that in establishing themselves in such a district they need not be limited to one occupation, that they can have work in prospect for the winter months, and various branches of industry open to them, in which they may engage.”

Hon. Mr. MACPHERSON—That is to the west.

Hon. Mr. PENNY—It shows, at all events, that there is some very good land in that neighborhood.

Hon. Mr. CAMPBELL—I think what was said on this side of the House was, that the good land is confined to the banks of Rainy River. I do not think you have shown that there is any tract of good land around Rainy Lake.

*Hon. Mr. Penny.*

Hon. Mr. PENNY—I see, at all events, it is stated that, on the west side the good land goes back to a considerable distance. Then there is a large quantity of lumber which will go both ways ; and I am told there are 250 square miles of timber limits already located, and the lumbermen expect to make 150,000,000 of feet of lumber in there.

Hon. Mr. MACPHERSON — That lumber will all go west.

Hon. Mr. PENNY—When the lock is completed you will have for navigation two lakes, with nothing but this lock between them. The outlet is, of course, to the end of the lake. If I were there I should not propose to climb up the 400 feet rise that has been spoken of, nor do I think that anybody ever contemplated that course. In conclusion, I may say, with the hon. Secretary of State, in reference to the Kaministiquia part of this subject, that a fair course has been adopted by the Opposition. I refer to the Committee of enquiry which they have obtained. Against that I have nothing to say, because the hon. gentlemen who conceive there is something wrong in the transaction have taken the right course in asking for a committee and investigating it in the proper manner. I wish that the same course had been pursued in all those cases where attacks have been made upon the Government. Instead of that, charges have been made which have been met by men as responsible as any hon. gentleman here, with flat denials. But, instead of those denials being accepted on the one hand, or on the other any attempts being made to controvert them by the examination of witnesses under oath who are acquainted with the whole of the facts, insinuations have been continued, accusations have been kept up, and I suppose it is intended that they shall be kept up until after the elections, no matter what the facts may be. There is no doubt whatever that the attendance of any of the gentlemen concerned in this steel rails transaction could have been obtained in a very few hours, and the whole matter could have been investigated from first to last before a committee. I do not think anybody can doubt that if it was believed these charges could be substantiated, such a committee would have been called for long ago. My hon. friend the Secretary

of State remarked very justly that we ought not to attack the character of our public men in this reckless manner. He spoke of the Premier as occupying a very high position in the country, and said his integrity should not be attacked without good and sufficient reason. I quite admit that all other Premiers should be treated in the same way, and unless the attacks are followed up in such a manner as to establish the correctness of the charges, they should not be made at all. We all know that in a matter, which I do not at present wish further to allude to, that was the course that was pursued. I think it was the proper course. I have not heard an attack from this side of the House on the character of any public man, and I hope no one will be disposed to make them unless he is prepared to accept denials, or to stand by them and establish them by evidence under oath if necessary. I think this is due to all our public men. I do not care which side of politics they are on, they should be respected amongst ourselves in order that our country be respected elsewhere.

At 6 o'clock the House rose for recess.

#### AFTER RECESS.

Hon. Mr. MACPHERSON resumed the debate. He said: The motion of my hon. friend from Belleville afforded great range for debate, and the hon. Secretary of State certainly took advantage of the scope afforded him, and travelled across the continent along the line proposed for the Pacific Railway. I did not intend to follow him over much of that ground, but the hon. gentleman from Montreal (Mr. Penny) who addressed the House to-day, said so much about the Pacific Railway, and directed so many of his remarks to me, personally, that I must make a few observations on the subject. The hon. gentleman dwelt to some extent upon my own opinions, past and present, with respect to that enterprise. I think my views in the past, and my views at present, are very well known to this House and to the country. I have never changed my opinion as to what the true policy should be in constructing that work. The hon. Senator insinuated to-day that I had changed my mind for a time, or at all events, that I had suppressed my opinion

Hon. Mr. Penny.

from motives, I think he intimated, of a selfish character.

Hon. Mr. PENNY—No.

Hon. Mr. MACPHERSON—The hon. gentleman said my opinions had changed at a certain time, and that there were peculiar motives for doing so.

Hon. Mr. PENNY—I made no allusion to it.

Hon. Mr. MACPHERSON—I have always been of opinion that the all-rail line was too heavy an undertaking for this country to enter upon; I thought our policy should have been to have begun our railway at Pembina, and carried it across our prairies as fast as our circumstances would permit, and as fast as the settlement of the country might require. That was my policy. While that was being done, we could have explored the country between the great lakes and the Red River, so that in the future, when the population in the North-West became so great as to render an all-rail line desirable, and when the people of that country would be able to aid in its construction, we would know where the best line was to be found. That was my opinion then, and I continue in that opinion still. I would at the same time have improved the Dawson route so as to have it as a route for immigrants to the North-West through our own country. From reading Mr. Dawson reports I was of opinion that that was feasible, for a moderate expenditure, and I still think that that might have been done. At the same time, if the Government had thought well to build the railway from Lake Superior to Sturgeon Falls, and improve the great water stretches between that and the west side of Lake of the Woods, with a railway from the waters of the Lake of the Woods to Red River, I would not have disapproved of that policy, but that, in my opinion, is the utmost railway construction that would have been advisable east of the Red River for many years to come. Then all that would have been necessary to have given us as great facilities as we will have when the all-rail line is finished from Lake Superior to Red River, was an elevator on the shores of Lake of the Woods and another at Sturgeon Falls for the transport of grain during the summer. We shall only have a summer route when the road now in

course of construction is completed. I consider the all-rail line from Lake Superior, in the present circumstances of the country, as an exceedingly unwise and unfortunate undertaking. I look upon it as a very grave blunder, a blunder that has committed the country to an expenditure that cannot be estimated, in connection with the Pacific Railway. There is this great difference between the policy of the late Government and the policy of the present Government, in respect to the construction of the Pacific Railway: the policy of the late Administration only committed the country to a limited and defined extent.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—The subsidies of money and land were limited and defined, and the policy was to make the lands available for the construction of the railway. By the system of the present Government the building of an all-rail line from Lake Superior, with the public funds, is imposing an enormous burthen upon the people which the other system would have avoided.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—With regard to my present views, while I look upon it as a most grievous and unfortunate blunder that the all-rail line should have been determined upon between Lake Superior and the Red River, yet, inasmuch as that has been done, and as the two ends of that section of the Pacific Railway are far advanced towards completion, and will be utterly useless until the central section is completed, I am, of course, in favor of its immediate construction, as, until that is done, the whole expenditure on the railway between Lake Superior and Red River will be utterly thrown away.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—The part of the scheme which the Government seem to think most important, and which they consider should first be proceeded with is, strange to say, the Georgian Bay Branch. I understood the hon. Secretary of State, and other gentlemen who spoke on behalf of the Government, to say that it is the most important section.

*Hon. Mr. Macpherson.*

Hon. Mr. SCOTT—I did not hear any one say that was the most important.

Hon. Mr. MACPHERSON—The hon. gentleman said it was the first to be proceeded with?

Hon. Mr. SCOTT—No.

Hon. Mr. MACPHERSON—We know that it is the one that the Government attached the greatest importance to; it was the first they put under contract without a survey, without an estimate, without sufficient information to justify them in putting it under contract, and they were finally obliged to cancel that contract and abandon the route. It is my opinion that the construction of that branch, if it can be called a branch of the Canadian Pacific Railway, is not of the first importance in their mind, but there are other reasons connected with it which in their minds are very important. It is a political scheme. The hon. gentlemen think they can strengthen themselves politically through it; they thought so at the time of the last general election; they committed themselves to it then; they referred to it frequently in their election addresses, and until after the elections. When they found they had a handsome majority, they cancelled the contract, and we have heard nothing of its importance until now when we are again on the eve of a general election; we shall see the same thing done over again and history repeat itself in respect to that undertaking. But to talk of it, being important is absurd, and proposing to construct it at present is in the highest degree reprehensible, and to proceed with it would be one of the greatest blunders that even the present Government could commit. I say that to proceed with its construction would impair, and ought to impair, the credit of this country, because it would be evidence of such unwisdom on the part of the Government that it is impossible that capitalists understanding the purpose to which it would be devoted would lend their money to the country. If the country were prosperous; if its coffers were overflowing, and that road was required and very much desired by any particular part of the country it might be proceeded with, but under the present circumstances of the country to propose such a thing is in the last degree reprehensible on the part of the Govern-

ment. The Esquimalt and Nanaimo Branch was also referred to by the hon gentleman from Montreal (Mr. Penny), I was, of course, opposed to that scheme. I think the Government in proposing to proceed with that work exhibited the greatest weakness. It was not only a blunder, but it was an attempt to bribe the people of Vancouver Island, and was altogether unworthy of the Government of Canada. Fortunately for the country the Senate interposed, but the Government that the hon. gentleman from Montreal supports did all they could to carry it—or at least they professed to have done so.

Hon. Mr. HOPE—When was it defeated in the Senate? What was the date!

Hon. Mr. MACPHERSON—I must refer the hon. gentleman to the Journals. The location of the Pacific Railway north of Lake Manitoba I look upon as another very unaccountable blunder.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—If the object had been to locate that railway where it could not be of any use to the people, a better location could not have been selected.

Hon. Mr. AIKINS—A country without settlers.

Hon. Mr. MACPHERSON—Without settlers, and without the probability of settlement between Lake Superior and the Red River, and west of Red River on the located line for 150 to 250 miles, thus running 600 miles or more through a country unfit for settlement. The country south of Lake Manitoba is altogether different; there the soil is productive and rich, the country is attractive, and is being rapidly populated, but north of Lake Manitoba there is not nor can there be anything of the kind, and it is through that swampy and barren region it is proposed to build the Canadian Pacific Railway. The hon. Senator from Montreal spoke of the Fort Francis Lock, and while he did not justify its construction, he said what he could to excuse it. The excuse, however, was not very decided; it was impossible, coming from him, that it could be decided, for he knows that it has been a very great blunder. If the railway had been constructed to Sturgeon Falls, then the Fort Francis Lock would have been

*Hon. Mr. Macpherson.*

required, but there was no necessity for beginning the lock until the railway was well advanced towards completion to Sturgeon Falls, because it could have been built in a much shorter time than the railway. But that lock was not commenced in the interests of the country, but probably was to provide employment for favored partizans. Then, when it was considered necessary to change the location of the railway and remove it a hundred miles north of Fort Francis, so that the lock could not be made use of for the purposes of the Pacific Railway, they should have stopped the expenditure on it, acknowledged that it was an error, and there would have been very little said about it. The hon. Senator gave the House to understand that there is a country east of the lock on the shores of Rainy Lake which would furnish trade for this canal in the future. Every member of this House who has paid any attention to the subject knows from the evidence of engineers and others who have surveyed and explored that country, from Mr. Dawson down, that upon Rainy Lake there is no land fit for settlement.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—It is spoken of by all who have been through it as a barren, rocky, irredeemable wilderness. At the head of Rainy River the country undergoes a complete change. You leave the rocky, barren territory on Rainy Lake for one of manifest fertility, and as you pass to Fort Francis Falls, which are only a mile and a half from the lake, the country is evidently rich and well adapted for agriculture. So it continues down to the Lake of the Woods, but east of Fort Francis Lock there never can be any settlement and there can never be any trade. No doubt there will be lumbering upon the shore of Rainy Lake—the cutting of saw logs,—but those logs will be floated down the river either to the mill at the falls, or further down. But it is not necessary even to have a slide, much less a lock; saw logs can be taken over the falls. Then at the east end of Rainy Lake you come to the beginning of the 400 feet of perpendicular rise, and there is no land in that fit for settlement, except in the very smallest areas, until you cross the height of land at Lac des Mille Lacs. Then when you begin to descend towards Lake

Superior there is a little land fit for settlement, but it is not at all attractive. Such is the description of the country between Lake Superior and Lake of the Woods given by surveyors and engineers who have traversed it, and it is a true description of it as far as my own observation when passing through the country enabled me to judge. All the works connected with the Pacific Railway to which I have referred are a series of palpable blunders—the location of the railway between Lake Superior and Red River, and the construction of an all-rail-line there; the location of the Railway west of the Red River; the building of the Fort Francis Lock, the Georgian Bay Branch contract, the suspension of work on the Pembina Branch, and the proposal to construct the Esquimalt & Nanaimo Branch have all been inexplicable blunders. They all bear the impression of what I must call incapacity.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—I shall now refer to the steel rails. When the hon. Secretary of State was speaking the other day I really thought he was going to admit that the purchase of the steel rails had been a blunder. He stated so many facts that should have influenced the Government against making that purchase at the time they did make it, that I thought he must conclude by saying it had been an error; that it had been done with the very best intentions, and that he hoped the House and the country would condone it. The hon. gentleman said that when the present Government succeeded to office upwards of a million dollars had been expended upon the survey of the Pacific Railway, and very little knowledge was obtained of the country; that a very large sum of money had been expended upon it since; and that even now they had not sufficient information to locate the line where it ought to be located. Now, hon. gentlemen, what the hon. Secretary of State said, with respect to the information which the Government had at the time he spoke of, is, no doubt, correct, yet it was at that very time within a year after they had succeeded to office, and while they were still without sufficient information, as he says, to guide them in finding a good location

*Hon. Mr. Macpherson.*

for the road, they bought 50,000 tons of steel rails for it.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—I ask the House, if the Government were as uninformed as the Secretary of State says they were, why did they buy 50,000 tons of rails?

Hon. Mr. SCOTT—The rails were bought in 1875 I think.

Hon. Mr. MACPHERSON—They were bought in 1874. If the Government were not then in possession of sufficient information to locate the line, why did they buy the rails? The purchase of the 50,000 tons steel rails has involved an expenditure up to this time, of four millions of dollars in round figures, and one half of that amount is actually a total loss.

Hon. Mr. BOTSFORD—Does that include interest?

Hon. MR. MACPHERSON—Yes; including interest. The actual outlay upon the steel rails, up to 30th June last, as shown by the Public Accounts, was as nearly as may be, three millions and a half of dollars, without interest, and with interest added up to the time when the rails will be required, the amount will exceed four millions of dollars. We bought them with borrowed money, and are paying interest on all sums expended upon them.

Hon. Mr. SCOTT—You include, of course, the quantity used for re-steeling the Intercolonial Railway?

Hon. Mr. MACPHERSON—I speak of the 50,000 tons bought for the Pacific Railway. What has been done on the Intercolonial Railway was done, it is admitted, before it was needed, and the country was put to that expense earlier than it should have been. I am astonished at the defence which some hon. gentlemen have set up here for the steel rails transactions. Not only the hon. Secretary of State but business men around him—particularly the hon. gentleman from New Brunswick (Mr. Wark) justified the purchase by saying, "Well the late Government bought so many thousand tons of rails for the Intercolonial Railway before they were altogether wanted," and the hon. Secretary of State told us the other day if the late Government had waited two years longer than

they did, before purchasing the rails for the Intercolonial Railway, those rails would have cost a million of dollars more than they did; so that the fact of the late Government buying when they did, and thereby saving a million of dollars to the country, appears to be the justification of the present Government for buying the rails for the Pacific Railway years before they were wanted, and losing thereby two millions of dollars of the public money.

Hon. Mr. SCOTT—It shows that our predecessors were better prophets than we were, that's all.

Hon. Mr. MACPHERSON—Could any defence be more illogical. I do not understand how hon. gentlemen can stand up here and defend the stupendous blunder of the purchase of 50,000 tons of steel rails several years before they were wanted, on the illogical grounds that they attempt to defend it. Those rails were bought on a falling market, and on the advice of those who were interested in selling rails. The hon. Senator from Montreal did not make a very strong defence for the Government in this matter. I did not until within the last two or three days look narrowly into the details of the transaction. I contented myself with looking at the gross cost of the rails, and the terrible loss by their purchase, so far as I could ascertain or estimate it. I did not, and do not suspect the Premier of having enriched himself by means of it. But my hon. friend from Belleville made such a statement in this House a few days ago that I felt constrained to look through the correspondence in the returns brought down to this House. I was really astonished at the case he presented to this House. I have since looked into the facts myself, and as I have them in very small compass, I shall submit them as briefly as I can. I must say that Parliament and the country are very much indebted to the hon. Senator from Belleville for the trouble he has taken in unraveling this return. A more confused, chaotic bundle of papers it is scarcely possible to conceive. They are not arranged in the order of their dates, or, according to subjects. I believe I have unravelled them, but I fear I shall not be able to agree

Hon. Mr. Macpherson.

with the hon. Secretary of State that the whole transaction is clear and creditable to the Government. In October, 1874, the Government advertised for tenders for from 5,000 to 10,000 tons of steel rails. The lowest tenders were those of Cox & Green, for the West Cumberland Company, for 5,000 tons, at \$53.53 per ton, delivered at Montreal.

Hon. Mr. SCOTT—They offered to take only 5,000 tons at first.

Hon. Mr. MACPHERSON—Of the Ebbw, Vale Company for 5,000 tons at the same price. The next lowest tender was that of Guest & Co., for 5,000 tons at \$54, and the next lowest tender was that of Cooper, Fairman, & Co., for 5,000 to 10,000 tons at \$54.26, and although they had only competed for from 5,000 to 10,000 tons, the orders to them were increased from time to time, until, in the end, they supplied 25,000 tons. I am not going to complain, because it is believed the Premier's brother was interested in Cooper, Fairman & Co.'s contract. That fact *per se*, in my opinion, is not objectionable. I think the brother of the Premier had as good a right to tender as any other man in the country; and, if his tender was the lowest, he had a right to the contract. If his brother had tendered, and the Premier had said to him: "Your tender is the lowest, but you shall not have the contract, because you are my brother," I think the whole country would have protested against such a decision, and have maintained that the Premier's brother was entitled to the same fair play as other men. But if there was any favoritism extended to Cooper, Fairman & Co. by the Government, no matter whether the Premier's brother was connected with it then or not, it was, of course, highly reprehensible. I shall not state an opinion on that point at present, but I shall submit the facts as I have found them.

Hon. Mr. SCOTT—Mr. Fleming certifies that Cooper, Fairman & Co. were the third lowest.

Hon. Mr. MACPHERSON—We have nothing to do with Mr. Fleming. He is responsible to the Government and the Government is responsible to Parliament. The whole question turns upon whether Cooper, Fairman & Co. supplied rails as cheaply as others and it was impossible to

ascertain that without competition; but if it can be shown they were favored and nursed, that there was undue favoritism displayed in dealing with them, then the charge of undue partiality will be made out. It is unfortunate that the Government should have purchased so large a quantity of rails as 15,000 tons without having invited the competition of iron masters and dealers in rails. Now, the subject may be said to divide itself into four branches—the 20,000 tons delivered by Cooper, Fairman & Co. at Montreal; the contract for 5,000 tons delivered in British Columbia; the contract for bolts and nuts, and the contracts for the transportation of rails from Montreal westward. The hon. Secretary of State quoted what had been stated by the Premier in another place, to show that the whole quantity of 50,000 was offered to Cox & Green, and that they were given a contract for all they would agree to supply—10,000 tons. If that is the case it ought to be in evidence, but there is no evidence of it in the papers in this return.

Hon. Mr. SCOTT—Cox & Green were offered the whole 50,000 tons if they would take the contract. They said they would take 5,000 tons more in consequence of the terms of payment being so favorable. They would take no more.

Hon. Mr. MACPHERSON—The return is very voluminous, but I do not find anything to that effect among the papers. Such important communications could not have been verbal. Cox & Green's first contract was for 5,000 tons; that was afterwards increased to 10,000 tons. On the 18th December Cox & Green addressed the following letter to the Department of Public Works:

"13 & 15 HOSPITAL STREET,  
MONTREAL, 18th Dec., 1874.

"DEAR SIR,—We are to-day in receipt of a cable communication from West Cumberland Iron and Steel Company (Limited,) informing us, that taking into consideration the favorable terms of payment, they are prepared to increase the quantity of Steel rails, which they are contracting to deliver from (5,000) five thousand tons as the quantity now stands, to (10,000) ten thousand tons. We would remind you that our price is the lowest of any, viz: £11 0s. 0d., eleven pounds sterling per ton, delivered in Montreal. We would now, therefore, respectfully request, that you would bring the proposition to the notice of the Minister of Public

Hon. Mr. Macpherson.

Works, calling his particular attention to the very low price of the rails.

"Soliciting the favor of a reply.

"We are, dear Sir,

"Your obedient servants,

"(Signed), COX & GREEN.

"F. BRAUN, Esq., Secretary,  
"Department of Public Works,  
"Ottawa."

The reply was as follows:

"OTTAWA, 22nd Dec., 1874.  
Telegram to Cox & Green, Montreal.  
No further steel rails wanted. Thanks.

"(Signed), F. BRAUN,  
Secretary."

Hon. Mr. SCOTT—There was a telegram also which I will read:—

"MONTREAL TELEGRAPH Co.,  
"Ottawa, Dec. 21st 1874.

"By telegraph from Montreal to T. Trudeau,  
Public Works.

"See our letter 18th December, to Mr. Braun offering five thousand tons more rails, if wanted; reply quickly as a railroad is in treaty.

"(Signed), COX & GREEN.

Hon. Mr. MACPHERSON — They wrote, and subsequently telegraphed to know, if more rails were wanted, and the Government replied—"No further steel rails wanted, thanks." The next communication was a fortnight later, and was as follows:—

"OTTAWA, 5th January, 1875.

"GENTLEMEN.—The Minister of Public Works having reconsidered your offer on behalf of the West Cumberland Iron and Steel Company (Limited) of Workington, to supply 5,000 tons of steel rails in addition to the quantity stipulated in their contract, at £10 (ten pounds) sterling per ton, and on the terms and conditions of their said contract f. o. b. at Workington, I am to inform you that said offer is accepted and to request you will advise the Company accordingly.

"I have, &c.,

"(Signed) F. BRAUN,  
Secretary."

"Messrs. Cox & Green,  
Montreal."

On the 29th Dec., 1874, Cooper, Fairman & Co. offered to the Government 6,400 tons of rails F.O.B., in Liverpool, at £10 10s., stg. On the 5th January, 1875, the Secretary of the Department of Public Works replied—"This Department does not require any more," but, two days afterwards, the following tele-

gram was sent from the Public Works Department:—

" OTTAWA, January 7th, 1875.  
 Telegram to Messrs. Cooper, Fairman & Co.,  
 Montreal.

" If freight to British Columbia can be got at two pounds sterling, the Government will take five thousand tons of steel rails, shipped at any time. Delivery will be at Esquimalt, Cowichan Bay or Nanaimo, at all of which places there are good facilities.

" (Signed), F. BRAUN,  
 Secretary."

Now, I think it will strike the House that the terms in which that communication was made are unusual, going to a private firm. I ask is there not some indication of favoritism here? The answer to this telegram is dated eleven days later, and is as follows:—

" DEAR SIR, " MONTREAL, 18th Jan., 1875.

" We are in receipt of a cable message to-day which enables us to accept your offer of 7th January, for 5,000 tons of Bessemer steel rails at £10 10s., f.o.b., Liverpool, terms cash on delivery and freight to Vancouver ports, viz.: Esquimalt, Cowichan and Nanaimo, at forty shillings per ton—insurance an open question.

" Makers of rails only delivering f.o.b., Liverpool.

" Please confirm the above at your earliest convenience to enable us to confirm sale in England by cable.

" We remain, yours faithfully,

" (Signed) COOPER, FAIRMAN & Co."

" P. S.—We would be glad if you can favor us with the address of your Bankers, to whom we are to present bills of lading of delivery.

" Wm. BUCKINGHAM, Esq.,  
 Ottawa."

Hon. gentlemen will see that Cooper, Fairman & Co. had an opportunity of writing to England and ascertaining at what price they could purchase 5,000 tons of rails. There was no competition invited by the Government. Two days before closing with Cooper, Fairman & Co. at £10 10s., they had bought from Cox & Green at £10 per ton f.o.b. No effort was made by the Government to get more at that price.

Hon. Mr. SCOTT—It was open to all the world.

Hon. Mr. MACPHERSON—It was closed to the whole world except to Cooper,  
 Hon. Mr. Macpherson.

Fairman & Co. Not a single iron firm had an opportunity to tender. The fact that Cox & Green had, only a few days before, taken a contract to supply rails at £10 per ton was an indication of the price. It would have been accepted as such by any man who was acting for himself or acting wisely for the country. Why did the Government not make enquiries before accepting the offer of Cooper, Fairman & Co.? I maintain that was a case of manifest favoritism and dereliction of duty on the part of the Government. Here they bought rails from one firm at £10 a ton, and at the same time they bought from another and more favored firm at £10 10s per ton. At that time there were signs that rails were falling in price. There were enquiries from all quarters to know whether more rails would be taken, and the following letter to a New York firm shows that the Government gave the enquirers to understand that competition would be invited if more rails should be required:—

" OTTAWA, December 9th, 1874.

" GENTLEMEN,—In reply to your communication of the 30th ult., asking if any more steel rails would be required by the Government during the coming year, in addition to those already purchased, I beg to inform you that should any more be required, tenders will be called for as previously done.

" I have, &c.,  
 (Signed), F. BRAUN,  
 Secretary.

" CHAMPLIN & GILLET,  
 P.O.B., 3,012, New York, U.S."

No tenders were called for, however, when 10,000 tons more rails were wanted, but 5,000 tons were bought from Cox & Green at £10 per ton and 5,000 tons from Cooper, Fairman & Co. at £10 10s per ton without competition. The hon. Secretary of State complains of the insinuations and imputations cast abroad over the country in connection with these transactions. I never aided in circulating them, but I do say that there is so much that is unbusinesslike and savoring of favoritism in those transactions it is not surprising there should be rumors abroad injurious to the Government, and imputations cast upon members of the Government. The hon gentlemen have themselves to thank for these. If there was not favoritism, the grossest incapacity was exhibited. But I contend there was manifest favor-

itism, and I shall show more of it before I sit down. The house in England which supplied the 5,000 tons of rails to Cooper, Fairman & Co. for Vancouver Island were not iron masters, but a commission firm, or merchants. The Government had been in communication just before with all the leading iron houses, and nothing would have been easier than to have communicated with them by cable, through Morton, Rose & Co. They might have received answers from the whole of them within twenty-four hours. But, instead of doing so, they bought from Cooper, Fairman & Co., who bought through a commission house, and thus the country was compelled to pay two profits to middlemen, and if it be true that the contract was completed after the Esquimalt and Nanaimo Railway Bill was defeated in the Senate, the transaction was indefensible.

Hon. Mr. SCOTT—All the tenders were accepted between the 1st of December and the 21st of January; the Bill was defeated in this House in April.

Hon. Mr. MACPHERSON—I am told that the shipment had not been made, and that the contract was not signed, until after the Bill was thrown out.

Hon. Mr. McLELAN—Contract No. 10 is dated April 6th, 1875.

Hon. Mr. SCOTT—I hope the hon. gentleman does not contend that the Government should have refused to sign the contract after the negotiations were closed and the offer was accepted.

Hon. Mr. HOPE—Hear, hear, hear!

Hon. Mr. MACPHERSON—I will tell the hon. gentlemen what they could have done. When they found that the 5,000 tons of rails were not required on Vancouver Island, they might have ordered them to Nova Scotia, and not have lost a dollar; or, if they were not required, the Government could have put them in the market and sold them. Either would have been better than to have paid \$50,000 freight to Vancouver's Island, where they were not needed, and where, as we had evidence the other day, they are corroding away. I think there can be no doubt on the mind of any hon. gentleman that, in the matter of the steel rails, gross favoritism was shown to Cooper, Fairman & Co. in having given them, without competition, a contract for 10,000 tons of

*Hon. Mr. Macpherson.*

rails, deliverable at Montreal; and also, without competition, a contract for 5,000 tons, deliverable in British Columbia. They had only tendered for from five to ten thousand tons; and they supplied 25,000 tons, including the 5,000 tons delivered in British Columbia, and for which they were paid ten shillings a ton more than the Government had paid to another firm for 5,000 tons two or three days before. I shall now take up the bolts and nuts. They do not represent a large sum of money, but "straws show how the wind blows," and this bolt and nut transaction shows that Cooper, Fairman & Co. were treated with undue favor, and that their sails were steadily filled with propitious gales wafted to them by the Government. The advertisement calling for tenders for steel rails required that parties tendering should also tender for the bolts and nuts required for laying the quantity of rails offered by them. Cooper, Fairman & Co. tendered for bolts and nuts at \$101 per ton, delivered in Montreal. Five parties tendered below them.

Hon. Mr. SCOTT—That is, if you take the bolts and nuts separate from the rails.

Hon. Mr. MACPHERSON—The question is, did the Government extend undue favor to Cooper, Fairman & Co? Messrs. Darling & Co., of Montreal, tendered at \$92.47 per ton. It has been said here by the hon. Senator from Montreal (Mr. Penny) that Darling & Co. have no grievance, and make no complaint. I am not here to assert the cause of Messrs. Darling & Co., or of any other private firm, but I do say the country has a grievance, whether Darling & Co. complain or not. I think the course pursued by the hon. Senator is unprecedented. He seems to have constituted himself a committee *sole* to enquire into those transactions, and to have written to Darling & Co. and Cox & Green to know if they had grievances.

Hon. Mr. PENNY—Why don't you have a committee appointed?

Hon. Mr. MACPHERSON—The Government should ask for a committee.

Hon. Mr. SCOTT—The Government have been before the Public Accounts Committee, and they could have been questioned there.

Hon. Mr. MACPHERSON—I do not wish to reflect upon a committee of the

other House, but if the hon. gentleman will read the newspapers he will see how very hopeless it is to attempt to prosecute an enquiry before the Public Accounts Committee which might lead to disclosures prejudicial in any way to the Government, their supporters, or their employees. On the 16th November Messrs. Darling & Co. tendered for bolts and nuts at \$92.47 per ton. Two days afterwards they sent the following telegram :—

"MONTREAL TELEGRAPH COMPANY.  
OTTAWA, NOV. 18, 1874.

"By telegraph from Montreal to T. Trudeau, Deputy Minister of Public Works.

"Will supply one hundred tons : if more wanted please inform us ; we are not restricted to quantity.

(Signed) WM. DARLING & CO."

The reply was as follows :—

"OTTAWA, 2nd December, 1874.

"GENTLEMEN,—Referring to your letter and telegraphic message, both dated the 18th ultimo, offering to furnish 100 tons of railway bolts and nuts, I beg to inform you that the parties who have contracted to supply the steel rails will also furnish the bolts and nuts required for the quantity of rails contracted for.

"I have, &c.,

(Signed), F. BRAUN,  
"Secretary.

"WM. DARLING & Co.,  
"Montreal."

That was a pretty decided answer to Darling & Co., but on the 24th of December there was another communication from the Department, evidently in reply to one from the firm; it was as follows :—

"OTTAWA, 24th Dec. 1874.

"GENTLEMEN,—

I am desired to inform you in reply to your communication of the 19th inst., relative to fish-bolts, which you offer to supply to the Department, that the contracts for the same have been already awarded.

I have, &c.,

(Signed,) F. BRAUN,  
Secretary.

"WM. DARLING & Co.,  
Montreal."

It is quite evident from these communications that Darling & Co., were anxious to get the contract for the bolts and nuts. They are in very distinct contradiction to the statement of the hon. Senator from Montreal, (Mr. Penny) that the firm felt rather relieved when

Hon. Mr. Macpherson.

they found they had not received the contract. Here are three communications showing that Darling & Co., were anxious to get the contract for supplying those bolts and nuts at \$92.47, while Cooper, Fairman & Co., were awarded the contract at \$101 per ton, as appears by the following letter :—

"OTTAWA, 18th February, 1875.

"GENTLEMEN,—The supply of bolts and nuts required in connection with the contract of the Mersey Steel and Iron Co., for 20,000 tons of steel rails required by the Government of Canada, having been omitted from the contract, I am to acquaint you for the information of said Company, that their tender for the same at \$101 per ton, delivered at Montreal at the same time as the rails, is accept'd.

"I have, &c.,

(Signed), F. BRAUN,  
Secretary."

"Messrs. COOPER, FAIRMAN & Co.,  
Montreal.

But this arrangement fell through, as the following correspondence will show :

"MONTREAL, 2nd March, 1875.

"DEAR SIR,—In the contract for steel rails, &c., with the Mersey Steel and Iron Company, they make strong objections against having bolts and nuts included in their contract, and they were accordingly left out. The price was to have been (\$101) one hundred and one dollars per gross ton, delivered in bond at Montreal."

"We, as agents for Messrs. Robb & Co., of the Toronto Bolt and Nut Works, beg to supply the Laird bolts and nuts as per sample bolt, to be furnished by the Inspector, Mr. C. P. Sandberg of London, the price to be (\$101) one hundred and one dollars per gross ton, *duty paid*, delivered in Montreal or Toronto.

"We are, dear sir,

"Yours truly,

(Signed), COOPER FAIRMAN & Co.,  
Agents for Robb & Co.

"The Minister of Public Works,  
Ottawa."

"OTTAWA, 5th March, 1875.

Telegram to Cooper, Fairman & Co., Montreal.

"Your tender on behalf of Robb & Co., Toronto, for supply of bolts and nuts at \$101 (one hundred and one dollars) per ton is accepted.

(Signed),

F. BRAUN,  
Secretary.

The hon. Secretary of State took great credit to the Government for having purchased from a Canadian house. He did not say so in express terms, but you would have imagined from his remarks that Robb & Co., were manufacturing those

bolts and nuts at Toronto. He made quite a point of it for the Government.

Hon. Mr. SCOTT—I made the point that we got the bolts and nuts at \$5.05 less; and it is a good point, too.

Hon. Mr. MACPHERSON—I find, however, that the bolts and nuts were not bought from Robb & Co. after all, as the following letter shows:—

“MONTREAL, July 29th, 1875.

“DEAR SIR,—We beg as Agents for “The Patent Bolt and Nut Co.,” of Birmingham, England, to supply the Government with the necessary iron fish bolts and nuts to lay 20,000 tons of steel rails on a railway track, subject to “Sandberg’s” inspection before leaving the works, to be delivered in bond in Montreal, as per prices accepted and mentioned in your letter to us on this subject, Dated February 18th, in (\$101) one hundred and one dollar portion. These are for the Mersey’s steel rails.

We are, dear sir,  
Your obedient servants,  
(Signed),

COOPER, FAIRMAN & Co.”

To the Honorable,  
The Minister of Public Works,  
Ottawa.

Hon. Mr. SCOTT—Were not Robb & Co. burnt out that year?

Hon. Mr. MACPHERSON—There was a bolt and nut establishment burnt out, but bolts and nuts manufactured in Toronto would not have been subject to duty. They were to be delivered in Montreal “duty paid.” There does not appear to be anything more on the subject of bolts and nuts till the 10th of Feb., 1876, under which date Cooper, Fairman & Co. wrote as follows:—

“MONTREAL, 10th Feb., 1875.

DEAR SIR,—The Mersey Steel and Iron Company having omitted from their contract the bolts and nuts for the 20,000 tons steel rails, which was accepted by your letter, dated Feb. 18th 1875, we therefore beg you will allow the Patent Bolt and Nut Company to supply the same, price (\$101) one hundred and one dollars per gross ton; deliveries, specification, inspection and terms to be the same as contract for rails given the Mersey Steel and Iron Company of Liverpool, makers steel rails.

Any change in deliveries you will kindly advise of.

We are, dear sir,  
Yours very sincerely,  
(Signed),

COOPER, FAIRMAN & Co.,  
Agents.

Deputy Minister of Public Works,  
Ottawa.

Hon. Mr. Macpherson.

To which the following reply was sent:—

“OTTAWA, 12th Feb., 1876.

“GENTLEMEN,—Referring to your letter of the 10th inst., requesting that the Patent Bolt and Nut Company be allowed to supply bolts and nuts required by this Department, I am to state that your request cannot be acceded to.

“I have the honor to be, gentlemen,

“Your obedient servant,

“(Signed) F. BRAUN,  
“Secretary.”

“Messrs. COOPER, FAIRMAN & Co.,  
“Commission Merchants, Montreal.”

Hon. Mr. SCOTT—I think there is something inconsistent in that letter. I have never been able to understand what prompted it, because the offer had been accepted the year before.

Hon. Mr. MACPHERSON—The facts are as I have stated: the contract with Robb & Co. fell through, and Cooper, Fairman & Co., in Feby, 1876, asked to be allowed to furnish the bolts and nuts of another maker. That was refused, but the reason does not appear. We do not find anything to show how those bolts and nuts were finally acquired, but the Public Accounts show that \$16,160 had been paid to Cooper, Fairman & Co. for 160 tons of bolts and nuts, being at the rate of \$101 per ton. This transaction evidenced continued favoritism for Cooper, Fairman & Co. They were allowed to change from principal to principal, as their own interest might dictate. I now come to the transportation, and in this the favoritism to Cooper, Fairman & Co. is most undisguised. Some of the parties when tendering for steel rails, in November and December, 1874, tendered also for their transport to ports on Lakes Huron and Superior. Guest & Co., who tendered for 10,000 tons of steel rails, made the following offer:

“OTTAWA, November 14th, 1874.

“DEAR SIR—Should the Government prefer to have these rails delivered at the following points: Duluth, Fort William and Georgian Bay, instead of Montreal, we can deliver them at Duluth or Georgian Bay at \$4 per ton additional, and at Fort William at \$4.75 additional, conditional as to the delivery at points named, that there be a sufficient depth of water for vessels to go thereto, and that the consignees are to unload. Not knowing if it is the intention of the Government to insure the various cargoes on the lakes, we have not included the lake insurances on the

inland freights, \$4 and \$4.75, which would be about 16 cents per ton.

"Your obedient servants,  
(Signed),

"PERKINS, LIVINGSTON, POST & Co.,  
Agents of Guest & Co.  
"The Minister of Public Works."

No notice was taken of this. Cox & Green, who supplied 10,000 tons of steel rails, wrote as follows:—

"13 & 15 HOSPITAL STREET,  
MONTREAL, 17th Dec. 1874.

"DEAR SIR.—Referring to ours of the 7th instant, we would esteem it a favor if you would kindly reply to enquiries we then made, which were as follows:—1st. The latest date at which it is necessary that the draft of the contract for steel rails should be returned duly signed; 2nd. Particulars of the modifications proposed on Sandberg's Standard.

"Our reasons for troubling you on these points we explained in ours of the 7th instant. We notice that a portion of the rails purchased by the Government are intended for delivery on Lake Superior, the Government allowing an extra \$5 per ton for this purpose. Should you wish us to deliver our 5,000 tons at that point, we should be glad to hear of this wish as soon as possible, to enable us to make the necessary arrangements for forwarding the rails from Montreal to Lake Superior.

"Apologising for thus troubling you.  
"We are dear Sir,  
"Yours truly,  
COX & GREEN.

(Signed),  
"F. BRAUN, Esq., Secretary  
Department of Public Works,  
"Ottawa.

There was also an offer, on Dec. 14th, from Cooper, Fairman & Co. to transport 20,000 tons from Montreal to Duluth at \$5.60 per ton. None of those tenders were accepted. In the following spring tenders were invited by the Government for the transport of 5,000 tons of rails from Montreal to Duluth. Eight tenders were sent in, ranging from \$6 to \$7 per ton, that of Mr. E. Samuel, of Montreal, being the lowest. He appears to have been very anxious to have got the contract, as the following telegrams will show:—

"OTTAWA, 26th April 1875.

"By Telegraph from Montreal to F. Braun, Esq.  
"Offer as surety D. Butters & Co., merchants; if more required can furnish security to any amount; guarantee to ship by first class propeller.  
Answer.

(Signed), E. SAMUEL."

"OTTAWA, 27th April, 1875.

"By Telegraph from Montreal to F. Braun, Esq., Secretary.

"Are you open to more than the quantity  
Hon. Mr. Macpherson.

named in my tender; if so, please name the quantity of rails you desire carried on same terms.

(Signed), E. SAMUEL."

"OTTAWA, 29th April, 1875.

"By Telegraph from Montreal to T. Trudeau, Dep. Min. Board of Public Works:

"Your early reply to my tender will oblige, so as to regulate movements of propellers pending arrival of rails. Security and propellers will be made satisfactory to you.

(Signed), E. SAMUEL."

Now, these communications from Mr. Samuel seem, on the face of them, very satisfactory, and there is nothing to show that he was not qualified in every respect to carry out his tender, except that he was not an owner of propellers. That was no sufficient reason for rejecting his tender if, Mr. Samuel was a man in good standing and there is nothing in these papers to show that he was not. The time had come when the Minister must report upon the tenders and assign the contract to some party, but instead of accepting Mr. Samuel's tender, which was the lowest, what did the Minister of Public Works do? He telegraphed to Cooper, Fairman & Co., who had not tendered, as follows:—

"OTTAWA, 28th April, 1875.

"Minister of Public Works would be glad to see you respecting carriage of steel rails westward.

(Signed), F. BRAUN,  
Secretary."

"COOPER, FAIRMAN & Co.,  
Montreal

Now let us see what followed this invitation from the Minister of Public Works, to Cooper Fairman & Co. I shall read the report of the Committee of the Privy Council, It was as follows:—

"Copy of a Report of a Committee of the Honorable the Privy Council, approved by his Excellency the Governor-General in Council on the 30th April, 1875:

"On a report dated 29th April, 1875, from the Honorable the Minister of Public Works, stating that proposals have been invited for the transport of 5,000 tons of steel rails and fastenings from Montreal to Fort William or Duluth, Lake Superior, during the season of 1875 the price to include all cost of handling, piling, insurance and charges at all points, and that the undermentioned tenders have been received, viz:—

1st. E. Samuel, Montreal . . . . .	\$6.00 per ton
2nd. C. Edward, Kingston . . . . .	6.25 "
3rd. G. E. Jacques & Co., Montreal . . . . .	6.30 "

4th. Chs. Stephenson, Montreal..	6.50	per ton
5th. Cox & Green, Montreal.....	6.50	"
6th. Holcomb & Steward, Kingston	6.74	"
7th. J. H. Beatty & Co., Thorold.	7.00	"
8th. W. H. Perry, Buffalo.....	7.00	"

"That in a tender made in November last, for the supply of steel rails, Messrs. Cooper, Fairman & Co., agents, stated the difference in price for delivering those rails in Montreal or Duluth and French River, would be \$5.60 per ton, exclusive of any harbor or wharfage dues at the ports named :

"That those gentlemen now offer on behalf of the Merchant's Lake and Steamship Line (consisting of eighteen first class propellers) for an additional sum of not more than sixty cents per ton to the price of \$5.60 asked in their tender of November last, or say a total sum of \$6.20 per ton, to undertake the transport of 5,000 tons of rails from Montreal to Fort William or Duluth, and to assume all cost of handling, piling, insurance and charges as required by the advertisement.

"That Mr. E. Samuel, who is the lowest bidder on the list given above is not a steamboat owner;

"The Minister therefore recommends that the offer of Messrs. Cooper, Fairman & Co. be accepted.

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

"Certified,

"(Signed), W. A. HIMSWORTH,  
"Clerk Privy Council.

"To the Hon.

"The Minister of Public Works,  
" &c., &c., &c."

The telegram to Cooper, Fairman & Co., was dated 28th April and in obedience to it one of these gentlemen no doubt visited Ottawa. On the following day the Minister of Public Works made his report to Council recommending that the contract should be given to Cooper, Fairman & Co. at \$6.20 per ton, and it was awarded to them although they had not tendered for it. Was not this an extraordinary proceeding? Why was Mr. Samuel, whose tender was the lowest passed over? The only reason assigned was that he was not a steamboat owner. But were Cooper, Fairman & Co. steamboat owners?

Hon. Mr. SCOTT—They were agents for a company.

Hon. Mr. MACPHERSON—Was not Mr. Samuel an agent?

Hon. Mr. SCOTT—He was a man of no means.

Hon. AIKINS—That should have been stated in the Order in Council.

*Hon. Mr. Macpherson.*

Hon. Mr. SCOTT—It was a very proper transaction.

Hon. Mr. MACPHERSON—The hon. gentleman cannot feel that in his heart, he must look upon it as a most unfortunate and indefensible transaction; he glossed it over in his speech, and so did the hon. Senator from Montreal; they did not allude to it at all. The next communication is dated Ottawa 5th May 1875—at least I should have borne that date although I see in the printed return it is April instead of May :—

"OTTAWA, 5th May, 1875.

"SIR,—Referring to your telegram of the 29th instant, relative to your tender for the transport of steel rails westward, I am to inform you that the Minister of Public Works has made other arrangements for this service.

"I have, &c.,

"(Signed) F. BRAUN,  
"Secretary."

"F. SAMUEL, Esq., &c., &c.,  
"Montreal."

Mr. Samuel having been informed that the Department had made their arrangements telegraphed as follows :—

"OTTAWA, 12th May, 1875.

"By Telegraph from Montreal to F. Braun,  
"Secretary B. of P. W.

"SIR,—For reasons unnecessary to state, I beg to withdraw my tender for transport of railway iron for Lake Superior ports.

"(Signed)

E. SAMUEL"

That communication is not explained. On the day following its receipt (the 13th of May) the Secretary of the Department telegraphed to Cooper, Fairman & Co. as follows :—

"OTTAWA, 13th May, 1875.

"The carriage of five thousand tons (5,000) of steel rails and accessories, from Montreal to Duluth or Fort William, for six dollars and twenty cents, including all charges, is awarded to you. A contract will be prepared.

"(Signed),

F. BRAUN,  
"Secretary."

"COOPER, FAIRMAN & Co.,  
"Montreal."

I ask hon. gentlemen if this does not establish the most startling favoritism? I will remind the House that, in the preceding November and December, the Government had received tenders for the delivery of rails at Duluth from three of the parties who supplied the rails—from Guest & Co., at \$4 per ton over their price at Montreal, and including insurance

at \$4.16 per ton; from Cox & Green, at \$5 per ton; and from Cooper, Fairman & Co., at \$5.60 per ton. All these parties stood in the same position, all had tendered at the same time to deliver rails at Duluth, but the Minister of Public Works does not seem to have communicated with Guest & Co., whose tender was much the lowest, but fell back upon Cooper, Fairman & Co.'s tender of \$5.60 per ton. When tenders for transport were invited in April, 1875, neither Guest & Co. nor Cooper, Fairman & Co. tendered, but Cooper, Fairman & Co. were invited to come to Ottawa to confer with the Minister of Public Works, and the result of that conference was, that they got the contract at \$6.20 per ton, being 60 cents per ton more than they themselves had asked; \$2.04 more than Guest & Co. had asked; \$1.20 more than Cox & Green had asked in the previous November and December; and 20 cents per ton more than Mr. Samuel had tendered for in April, 1875, at the time the contract was given. The Minister of Public Works should have communicated with Guest & Co., whose tender was lower than Cooper, Fairman & Co.'s.

Hon. Mr. SCOTT—He may have done so for aught I know.

Hon. Mr. MACPHERSON—There is no communication to that effect in this return. In the report of the Committee of the Privy Council, Messrs. Cooper, Fairman & Co., are represented as the agents of the Merchants' Lake and River Steamship Line. Strange to say, another firm represented themselves as the agents of the same steamship Company, and tendered at \$6.30 per ton. Their letter is as follows:

"MONTREAL, 15th April, 1876.

"SIR,—Referring to your advertisement in the newspapers, asking for tenders to convey from Montreal to Duluth or Fort William, Lake Superior, during the season of 1875, five thousand tons steel rails and fastenings.—

"We beg to tender, on behalf of the Merchants' Lake and River Steamship Line, consisting as understated, for the quantity named; or should you desire it, to the extent in all of 12,000 tons at and after the rate of six dollars and thirty cents (\$6.30) per ton of 2,240 lbs.

"The rails to be delivered to us monthly, during the season and not later than the fifteenth day September, at Montreal, free from ocean freight and Montreal Harbor dues, at the ship's side, and carried to the above named ports.

Hon. Mr. Macpherson.

"This rate to cover all cost of handling, while receiving and shipping, freight and canal tolls, marine insurance, landing and piling at the port of delivery.

"Good and sufficient wharf accommodation to be provided by the owners of the rails, so as to be discharged without delay to the vessel, and not piled at a greater distance than sixty feet or thereabout from the vessel's side, the vessel having sufficient depth of water provided to lay in safety while discharging.

"Some person or persons to be appointed by the Board of Works to take delivery of rails and grant receipts, payment of freight to be made on production of such receipts.

"(Signed)

"G. E. JACQUES & Co.

"Agents Merchants' Lake and River Line, consisting of 13 first-class Propellers.

"To the Honorable

"The Minister of Public Works,  
Ottawa."

I should like to know, and probably some gentleman in this House can give the information, who was the real and authorized agent of the Merchant's Lake and River Line? Was it the firm of Cooper, Fairman & Co., or of Jacques & Co.? The latter stated in their tender that they were the agents; but the Minister of Public Works in the minute of Council represented Cooper, Fairman & Co., to be the agents. At all events, whoever the agents may have been, the line came in for the contract, and Cooper, Fairman & Co., no doubt benefited. The House will perceive the shuffle, for it was nothing but a shuffle, and one that the Government ought not to have been a party to. The contract was for the transport of 5,000 tons, but Cooper, Fairman & Co., managed during the season to increase it to 10,000 tons, as hon. gentlemen will see by the following correspondence:

"MONTREAL, 10th June, 1875

"DEAR SIR,—We hereby agree, as agents of the Merchants' Lake and River Line of steamers to carry from ten to twenty thousand tons of steel rails, on the same terms and conditions as former contract—namely at six dollars and twenty cents currency per gross ton, for Duluth and Fort William, on Lake Superior, which rate includes piling at the port of delivery and insurance; said insurance we bind ourselves to effect to the entire satisfaction of the Department.

"Yours most respectfully,

"(Signed) COOPER, FAIRMAN & Co.

"T. TRUDEAU, Esq.,

"Public Works Department,  
"Ottawa."

" OTTAWA, 10th June, 1876.

" GENTLEMEN,—I beg to acknowledge the receipt of your letter of this day's date offering on behalf of the Merchants' Lake and River Line of Steamers to carry from ten to twenty thousand tons of steel rails on the same terms and conditions as former contract—namely, at six dollars and twenty cents currency per gross ton for Duluth and Fort William, on Lake Superior, which rate includes piling at port of delivery and insurance, and to inform you that the Department accepts your offer for five thousand tons (5,000).

" I have, &c.,

" (Signed), F. BRAUN,  
" Secretary.

" Messrs. COOPER, FAIRMAN & Co.,

It will thus be seen that on the 10th of June, when freights were usually at their lowest, this favored firm was given 5,000 tons more without competition and at the spring rate of freight. There is another somewhat singular letter here which would go to show that after all Cooper, Fairman & Co., were not the agents of the Lake, and River Steamship Co., but that Jacques & Co., were. It is as follows:—

" HAMILTON, Ont., 22nd June, 1875.

" DEAR SIR,—In accordance to your advertisement for tenders to freight 5,000 tons steel rails from Montreal to Duluth, with Messrs. Norris & Neelon of St. Catherines, we authorized Messrs. G. E. Jacques & Co., Montreal, to tender on our account and which tender was accepted. Our propeller 'Lake Ontario' loaded and delivered at Duluth, on 2nd June, 1,084 steel rails, and 960 boxes fish plates weighing 290 tons, 17cwt., 2qrs. 1lb @ \$5=\$1,454.25; we were informed our freight would be paid by you in Ottawa, and we request you will retain said amount in your hands. The Purser of the boat holds a receipt for above, but as he made the first trip we are not certain if your proper agent granted it or not. The 'Lake Ontario' is again on her way up to Duluth with 1,555 rails and 133 boxes or cases of bolts, weighing 392 tons, 9cwt, 2qrs. @ \$5=\$1,962.37. We will be glad to hear from you that after unloading above we will be able to get our freight on the two loads. He will proceed to Ottawa on his return, and we trust you will be kind enough to settle for same.

" I remain, Yours truly,

" (Signed), CHAS. JAS. HOPE,

" Manager, Lake and River Steamship Co.

" F. BRAUN, Esq., Secretary,

" Department of Public Works,  
" Ottawa."

Now, I confess I do no understand this letter. It requires explanation. It looks as if the Merchants' Lake and River Company were really subcontractors, and did the work for \$5 per ton, while the Government paid Cooper,

*Hon. Mr. Macpherson.*

Fairman & Co. \$6.20 per ton. The whole transaction, from first to last, bore the impress of favoritism, and was calculated to shake confidence in the fair dealing of the Government. I must call the attention of the Senate to another remarkable discovery which I have made in going through the papers laid upon our table relating to the steel rails and their transport. I find that in 1875 the Red River Transportation Company, represented by Messrs. Kittson & Co., of St. Paul, obtained a contract at \$15 (U. S. currency) per ton, of 2,000 lbs., for freight from Duluth to Winnipeg, notwithstanding that Messrs. Fuller & Milne, of Hamilton, tendered for it on the 16th April, at \$13.50 (U. S. currency) per ton. A member of the firm of Kittson & Co. appears to have come to Ottawa and to have seen the Minister of Public Works, and to have succeeded in securing the business at \$15 per ton of 2,000 pounds. There is nothing said in Fuller & Milne's tender about the number of pounds to the ton, but, in Canada, a ton of railway iron means 2,240 pounds, and, so far as I know, it is the same in the United States, unless otherwise expressed. This transaction certainly requires explanation. Here was a contract involving a sum of \$206,000 given to a foreign company, when a Canadian firm offered to do the work at a much lower rate. Was it favoritism or mismanagement? Whatever may have been the cause, the public loss through it was large. Cooper, Fairman & Co. received from the Public Treasury, for steel rails and fastenings and for freight, upwards of \$1,500,000.

Hon. Mr. SCOTT—The contract for the rails was not with Cooper, Fairman & Co., but with the Mersey Company.

Hon. Mr. MACPHERSON—I do not know what arrangements existed between Cooper, Fairman & Co. and the Mersey Company. Cooper, Fairman & Co. may have received a commission, or may have bought and sold the rails. Their interest in either case, no doubt, was very considerable; and to that I do not object, if it was obtained without undue favoritism. I repeat that what I have submitted to this House to-night shows that an undue preference was given to Cooper, Fairman & Co., to the Red River Transportation Company, and to the Merchants' Lake and

River line of steamers, and that the country has sustained immense loss through the undue favoritism and partiality which appear, from the papers laid upon our table, to have characterized the dealings of the Government with those parties.

Hon. Mr. TRUDEL—I think this question is one of the most important with which we have had to deal this session. When my hon. friend from Montreal (Mr. Penny) rose to address the House, I thought his object was to reply to the declaration of the policy of the Government respecting the Pacific Railway. In fact, the Hon. Secretary of State informed us that the Government had dropped that part of the railway from Lake Nipissing to Thunder Bay, a distance of about 600 miles. That announcement, so important to the Province of Quebec and the people of the Ottawa Valley, should have attracted the attention of the hon. Senator from Montreal. We were given to understand last Session, and even in the early part of this Session, that in lieu of the Georgian Bay Branch we were to be given, before the end of the present Session, something calculated to satisfy the Province of Quebec. But now we have the announcement that the whole eastern section of the railway is to be abandoned. We have heard a great deal about the steel rails, and the mover of this resolution in his speech reflected on the conduct of the Premier. The hon. Secretary of State replied very indignantly. Now, while I believe the greatest respect should be shown to anybody occupying the position of Premier, we should not forget the respect that is due to other parties, chiefly to those to whom the hon. Secretary of State alluded when replying to my hon. friend from Belleville. If the hon. Secretary of State had confined himself to the declaration, that we ought to treat the Premier with that respect which is due to his high position, nobody could have complained. But the hon. gentleman added such words as these: "Those who had uttered those accusations had uttered deliberate falsehoods. They were slanderers, who stated what they knew to be false, and they had not the slightest ground to say what they had stated." I think the honor of those gentlemen who have been alluded to in such terms is just

*Hon. Mr. Macpherson.*

as precious as that of the Premier. Of course, those gentlemen are able to defend themselves, and they may take occasion to do so elsewhere. But I think we should not, in this Chamber, allow public men, chiefly the members of the press, to be spoken of in such an offensive manner for having fulfilled an important public duty, and I contend that those who disclosed the facts connected with this steel rails transaction were guilty of nothing unbecoming to a good citizen.

Hon. Gentlemen—Hear, hear.

Hon. Mr. TRUDEL—The matter as it stood at the time was such, that those gentlemen could not have written or spoken otherwise than they did. The circumstances surrounding the transaction were such as to arouse, at least, doubt and suspicion, and make it their duty to disclose it before the public. The documents brought down by the Government, and others that have been published to the country, prove that the Premier's brother was a member of the firm which received substantial advantages from the Public Works Department. I asked the hon. Secretary of State to say, the other day, whether, if a law suit had been brought against Cooper, Fairman & Co. after the contract had been made for the steel rails, the brother of the Premier would not have been included in that prosecution, and if a judgment of the Courts against the firm would not have condemned Charles Mackenzie equally with other members of the firm? It cannot be denied that would have been the case. I think that fact is sufficient to justify all that was said by the newspapers which exposed the transaction. What constitutes a legal presumption sufficient to base a judgment should be sufficient to justify a disclosure in view of the public interest.

Hon. Mr. SCOTT—The members of the firm denied that Charles Mackenzie was a partner.

Hon. Mr. TRUDEL—We had the declaration of the Premier and a letter from Cooper, Fairman & Co. to that effect. But, on the other hand, we had the deed of partnership to prove to the contrary. The denial of accomplices in case of guilt is no proof at all. I do not go so far as to say there was a job or any impropriety in this transaction, nor do I say that the declara-

tion of any gentleman occupying the position of Premier should not have great weight. We have always held as a principle that great respect was due to declarations of men of such high position as the Premier. The present occupant of that position, however, has laid down a different principle. He has established the rule to make gratuitous accusations against his opponents, and to repeat them after they have been shown to be utterly without foundation in fact. The hon. Secretary of State will admit that when the Premier assumes such an attitude; when the accession to power of the present Government is due to accusations having no better, perhaps not so good a foundation, it is a great temptation for his opponents to retaliate and bring accusations against him, which, to say the least, are as well proved, and are, perhaps, of a more serious character. There can be no doubt that a great many mistakes and even blunders, have been committed in connection with this Pacific Railway by the Government. I do not say that they deserve directly to be blamed for the whole of them, many of those blunders being the necessary consequence of a false system, but they are responsible for this mistaken policy which they are pursuing in relation to this great work. It is that policy which has given rise to the blunders and jobbery of which the country has heard so much. The hon. mover of this resolution informs us that the immense sum of \$9,480,743 has been expended up to the present time on the Pacific. This statement not being contradicted, I have no reason to doubt its accuracy. It seems to me that a very large proportion of that expenditure has been made to prove that the late Government had acted unwisely in entering into this engagement, and had adopted a mistaken policy to carry it into effect.

Hon. Gentlemen—Hear, hear.

Hon. Mr. TRUDELL.—When the present Government came into power they found the country agreed upon the construction of a railway from Lake Nipissing to the Pacific Coast, according to a scheme which had been embodied in a statute, and consequently was the law of the country. Instead of carrying out that policy the Premier announced a new

*Hon. Mr. Truettel.*

scheme, which he substituted for the former. The hon. Secretary of State has remarked it was quite natural that mistakes should have been committed, because the route of the railway was quite unknown, and its location was a matter of great difficulty. But the mistake of the Premier was that he condemned the scheme of the late Government without being in a position to replace it by something better. Far from that we find that the present Government, after having expended an enormous sum of money in endeavoring to carry out their own scheme, are now obliged to abandon it and adopt part of the policy of their predecessors. The scheme of the late Government was to give the work to a private company, subsidizing them with a limited amount of money and a land grant. What do we find now? One third of the sum which the country had been committed to by the late Ministry, has been expended already with very little to show for it. If this railway had been properly carried out it would have resulted in the rapid development of the North West and renewed prosperity for the whole Dominion. If on the contrary, a wise and statesmanlike course is not pursued it will involve the country in endless difficulties and a heavy burden of debt. The great mistake of this Government has been that they have undertaken this road as a Government work instead of intrusting private companies to invest their capital in the undertaking. There were two ways in which the railway could have been built—either as a commercial under taking or as a colonization railroad. The Intercolonial Railway was constructed according to the former system, because this road was a communication between two densely settled groups of population—the Maritime Provinces and the old Province of Canada, offering immediate business for the road. The Pacific Railway, on the contrary, must, to a large extent, be regarded as a Colonization road, and it should be constructed in such a manner as to settle the country through which it passes. In this way not only would the road promote the settlement of the country, but the settlement of the country would furnish traffic for the railway. It has been asserted that when the first contract was given out for the building of the Pacific Railway it was

impossible for the contractors to construct it with the money and land grants that were offered. My opinion is, a private company could construct it for half the money that the Government can do it for, chiefly by paying in land grants, and colonizing their reserves. It is well known that in this respect private enterprise can accomplish often ten times as much as a Government can do for the same amount of money. Take for instance the Allan line of steamships: everyone knows that for the mere purpose of procuring passengers for their steamers they have established agencies all over Europe, and those agents send ten times more emigrants to this country than the agents employed by the Government.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. TRUDEL—I think no better illustration could be furnished of the success of private enterprise compared with that of the Government. Another benefit to be derived from that system of carrying together and simultaneously the colonisation and the building of the railway, would be the reduction in the price of labour. Colonies established by the exertions of a company on land grants would do the work for half the price. We had, lately, an illustration of what public works in an unsettled country cost in the Neebing Hotel affair, and Kaministiquia works. Carpenters were paid there two dollars a day and foremen three dollars, while in the meantime mechanics were glad to get employment at 90 cts. per day in Montreal and other cities of Ontario and Quebec. It is a historical fact that this country and the West have been settled and developed by private enterprise—in the first instance by all the great companies chartered by the French Government, and afterwards in a similar manner by British trading companies. It is a question which now occupies the attention of some of the most distinguished men of Europe and America to know what is the best system of colonization, and I think the conclusion at which they generally arrive is that the only sound system of colonization is to give an impetus to private enterprise, because experience has shown that private enterprise can accomplish ten times more in that direction than a Government. As an other illustration I would direct the atten-

Hon. Mr. Trudel.

tion of the House to the results that have flowed from the efforts of the North-West and Hudson Bay Companies. Instead of incurring the expense of establishing colonies at great cost in the West, the British Government gave charters to those companies, who, for the purposes of their own business established trading posts and induced settlers to come in there. Though they never cared about colonization, and did not act satisfactorily in this respect, I have no hesitation in saying that the Government could not accomplish in half a century what we found ready to our hands when the transfer of the North-West Territories to the Dominion of Canada took place. Of course we must guard against establishing monopolies by limiting the time of the charters, or the land grants of those companies. The scheme of the late Government was to give a private company about thirty millions of dollars and fifty millions of acres of land to assist in the construction of the railway—that is between 18,000 and 19,000 acres per mile. If this scheme had been carried out, an immense quantity of land would still have remained in the possession of the Government. If the Company could not have built the road for the subsidy offered it would have benefited the country very much better to have given five or ten millions of dollars more, and have the work completed for a definite sum. As matters now stand we have, for an expenditure of ten millions of dollars, practically only ten miles of railway completed; therefore, I contend that the scheme of the late Government was not so absurd as the hon. Secretary of State would have us to believe. Is it not a fact that, among the gentlemen who formed private companies to undertake the building of that railway, there were many of the most influential men of Canada, and can it be doubted that by the means at their disposal, with what they could have procured abroad, they would have been able to build the Pacific Railway from the Ottawa River to the Pacific Coast? The most striking example of the success of such a mode of building a railway of this character, and of the advantages thereby accruing to the country, is to be found in the Grand Trunk railway. Twenty years ago that undertaking was certainly as gigantic an enterprise to the old Province of Canada as

he Pacific Railway is now to the Dominion. The Grand Trunk Railway cost about seventy-five millions of dollars, of which amount the old Province of Canada contributed, as near as I can recollect, about sixteen millions of dollars, the balance having been furnished by private enterprise. Does anyone imagine, if the Province of Canada had undertaken to build the Grand Trunk Railway out of her own resources, she could have accomplished such a work? I contend it would not have been possible to have accomplished it, that it would have ruined the country. The effect of giving the work to a private company was to bring foreign capital into the country, from which the people have derived great benefit. If the same course were pursued in connection with the Pacific Railway, it would be attended with the same results on a very much larger scale. The only fault that has really been found with the scheme of the late Government was, that the country was bound to build the road within ten years, and it is contended that that could not have been done. I consider myself that the time was too short, but was it not understood by everybody that, if the work had been earnestly undertaken, the people of British Columbia would have been perfectly satisfied? Everybody knows that the country was not absolutely bound to build the road in ten years. We find to-day that, although nothing has been done towards commencing the construction of the railway at the western end, the people of British Columbia, knowing the position in which the Dominion stands, have been exceedingly reasonable in their demands and expectations. Does any one imagine that they would have been less reasonable or moderate if the Government had proceeded earnestly and energetically to construct the road, and had failed to complete it within the time limited? The principal feature in the scheme of the present Government was the water stretches. They thought they could utilize the navigable waters between Lake Superior and the Red River, but they knew nothing about the 400 feet of rise and fall between those different rivers and lakes, and that to connect them by means of canals and locks would involve an expense larger than the road itself.

*Hon. Mr. Truvel.*

Hon. Gentlemen—Hear, hear.

Hon. Mr. TRUDEL—They had not the slightest idea of it. Now, what do they know even about another part of the country not so remote from the settled portions of the old Province of Canada? Absolutely nothing. Yet they pretended to substitute a better scheme for the policy of the late Government, and the natural inference which the public have drawn from it is that the Government have expended this immense sum of money, not with the idea of building the Pacific Railway, but with the idea of showing it was impossible to build it.

Hon. Gentlemen—Hear, hear.

Hon. Mr. TRUDEL—I have remarked with pleasure that the Government have shown great anxiety of late to give satisfaction to our friends in British Columbia. That is very well, but I must remind hon. gentlemen there are other parties in the Dominion who have interests to be promoted and guarded as well as the inhabitants of British Columbia. Yet they have been treated as if they had no rights at all. When the treaty with British Columbia was negotiated, and the resolutions were passed, binding this country to construct the Pacific Railway, it was decided that the construction should be commenced simultaneously at Lake Nipissing and on the Pacific coast. If the Government felt that the Dominion is pledged to carry out that agreement so far as the 60,000 people of British Columbia are concerned, surely they are also pledged to the 1,500,000 people in the Province of Quebec and the valley of the Ottawa to build the road from Lake Nipissing westward. Supposing the Province of Quebec and the eastern half of Ontario had refused to accept the treaty with British Columbia, the agreement for the annexation of the latter would not have been carried. That was one of the conditions on which the Province of Quebec gave her support to the Pacific Railway scheme. Now, would they not have as great reason to complain of unfair treatment as the people of British Columbia? As the hour is very late, I will move the adjournment of the debate.

The motion was agreed to.

## THE ADDRESS TO THE GOVERNOR-GENERAL.

Hon. Mr. SCOTT announced that His Excellency the Governor-General would attend in the Senate Chamber on Tuesday to receive the addresses which had been adopted by both Houses.

The House adjourned at 12.20 p.m.

## THE SENATE.

Monday, April 15th, 1878.

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

### PORT WHITBY HARBOR COMPANY'S BILL.

#### THIRD READING.

Hon. Mr. HAMILTON (Kingston)—from the Committee on Banking, Commerce and Railways reported the Bill intitled "An Act respecting the Whitby Harbor Company" without amendment.

Hon. Mr. SIMPSON moved that the Bill be read the third time.

Hon. Mr. TRUDEL said he did not intend to oppose the Bill, but he had doubts as to the constitutionality of empowering private parties to sell this harbor. He desired to enter his protest against such legislation, lest it should be cited on some future occasion as a precedent.

The Bill was read the third time and passed.

## THE MINISTERIAL CHANGE IN QUEBEC.

#### RESOLUTION.

Hon. Mr. CAMPBELL moved :

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

He said—It is not without a good deal of reflection that I have taken upon my-

Hon. Mr. Scott.

self the responsibility of offering to the House a resolution upon the subject of the recent ministerial change in the Province of Quebec. Great consideration seemed to me to be necessary before any member of this House should ask the Senate to take action in this matter at this time. but I am myself convinced, for reasons which will develop themselves as I go on, that it is better to ask the House to come to a decision on the question even now, and close as we are to where the contest is going on between the rival parties in Quebec, rather than to postpone action. Of course, in dealing with the subject, I am not at all forgetful of the fact that the gentleman who fills the high position of Lieutenant-Governor of Quebec was formerly a colleague of ours; that he is known to us personally, and is held in high esteem by those with whom he acted in this House. I also, for myself and for those gentlemen who act with me, must say I approach the subject with a good deal of reluctance in the direction in which I am about to speak, because the natural leaning of my mind would be to support authority, and that is the natural tendency of the Conservative party, but the case is so peculiar that I feel it necessary to ask the House to consider the circumstances which attended the recent dismissal of the Quebec Cabinet. Another reason which makes me think it expedient to move as I am now doing, is the fact that two messages from His Excellency with papers on the subject have been transmitted to this House, not at our request, but on the mere motion and grace of His Excellency. In my judgment some action ought to be taken by us lest our silence be misunderstood, and that is still more strongly the case from the fact of a resolution having been moved in the other branch of the Legislature. If, under these circumstances, we were to take no action on this question, the natural inference would be that we approved of the course pursued by the Lieut. Governor of Quebec. I do not think it would be wise to allow such an impression to go abroad unless such is the feeling of the House. My impression is, the House disapproves of the course of the Lieut. Governor, and therefore I move this resolution to give expression to the views of the Senate. I think it right here to express my regret that no authoritative statement of facts

was agreed upon by the Lieutenant-Governor of Quebec and the late Government of that Province, a statement conveying fully the reasons for the dismissal of the Ministry. Such a statement should have been agreed upon and submitted, I think, to the Legislature of that Province; it is certainly undignified and injurious in a public point of view that contradictions should appear between the statements of the Lieutenant-Governor and those of his late advisers on so important an action as that taken recently by Mr. Letellier. That, however, has not been the case. A statement was submitted to the Legislature of Quebec, which the Lieutenant-Governor in one of the papers on the table says exceeded his permission, and that he did not concur in the facts as stated. I desire to approach the subject with a perfectly fair mind, without prejudice on either side and without any other feeling than a desire to discharge the duty devolving upon me in that spirit which shall most conduce to the public interest. I do not think we can or should shut our eyes to the fact that the Lieutenant-Governor of the Province of Quebec had, for a long time, taken an active part in politics, first in the other branch of the Legislature in the former Province of Canada, and afterwards in the Legislative Council and the Senate. We had the advantage of his assistance in the proceedings of this House and we cannot forget that he was, during the time we knew him, a gentleman of very strong bias, and very active on his side of politics. I think it is a matter of regret, that a gentleman in that position with those strong party feelings, should have been sent to his native Province as Lieutenant-Governor. That was not the plan originally contemplated by the framers of the British North America Act. I do not mean that there was anything in the Act to prevent it, but that the intention at the time was that a Lieutenant-Governor should not be sent to his own Province.

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

Hon. Mr. CAMPBELL—I was going to say it was departed from, but that was not the original view taken by the framers of the Act. Their view was that it would

*Hon. Mr. Campbell.*

be more convenient to send gentlemen to govern other provinces than their own. That, as the hon. Secretary of State says, was departed from on the very first occasion, but I think it is none the less to be regretted. The consequence is that you will have sometimes a gentleman of very strong party feelings who has been active in the politics of his own Province as was the case in this instance, and sent to govern his own Province at a time when it happens those whom he had been fighting all his life are in power. I admit the example was set by the late Government from the first, but I think it would be a wise thing if we were to fall back upon the plan which was originally contemplated; if the intended Lieutenant-Governor has been engaged in politics he is almost certain to have been a strong and active party man, and it is placing him and those who are to be his advisers in a very unfair position. That was particularly the case in the appointment of the Lieutenant-Governor of the Province of Quebec. He had been engaged with great earnestness in party warfare, and had been a Minister of the Crown at the time of his appointment. He was sent to govern his native Province, and found the Ministry in power composed of the very men to whom he had been bitterly opposed all his life. Some doubt has been apparently felt upon the right and duty of Parliament to take cognizance of a matter of this kind. I do not think that ground will be taken in this House. It seems to me it has been sufficiently answered in the other branch of the Legislature. It must be clear that we occupy in relation to the Lieutenant-Governor the same position as the British Parliament occupies in relation to the Governor-General.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—When the occasion arises for us to interfere, it is our right to do so, in the same way as the British Parliament has interfered in many instances when the acts of governors of British provinces have called for it. We know that from time to time the Parliament of Great Britain, when they had occasion to interfere with the colonial governors, have not hesitated to speak, and their conduct

in the discharge of their duties has been the subject of debate in both Houses. I do not think there is any doubt about the legitimate right of Parliament to interfere if it sees occasion to do so. I do not think anyone will contend, on reflection, that this Parliament should not interfere, and express its opinion with reference to the action of any Lieutenant-Governor in the Dominion, if Parliament see fit. But it was contended further—and that was really the reply to a motion similar to this in another place—that this is not the proper time to interfere; that it would be better in the interests of the public that we should wait until some subsequent session, and until the results of the course taken by the Lieutenant-Governor shall have developed themselves; and further that if in the meantime the Province of Quebec shall have pronounced, by the election which is pending, in favor of the new Ministry, that would be a complete answer to all the complaints made against the course pursued by the Lieutenant-Governor—that is, if a Lieutenant-Governor, do what he will, is able to get a Ministry who will go to the country and be returned with a majority, the fact must be held to condone all his faults, and is a sufficient answer to all complaints. I do not agree in that. It seems to me, if that is the rule of Parliament, any malfeasance of office may be committed by the Governor, provided that a majority is returned to support the side he favors. I think that would be a bad rule to adopt, because of its effect on other provinces.

Hon. Mr. PENNY—How is it in England?

Hon. Mr. CAMPBELL—I will discuss that in a moment. I would be an exceedingly bad rule to follow as respects other Provinces. Any Lieutenant-Governor might feel that he was at liberty to follow a course, however arbitrary and erroneous, interpose his views and ideas of what was politic on the country, and pursue the same course that has been taken in the Province of Quebec. I think that would be very injurious to the future welfare of the Provinces and to the system of responsible government under which we are all so happily living and which we believe to be the system most likely to conduce to the general weal, and which we desire to see carried out in its integrity

*Hon. Mr. Campbell.*

and in all fairness. The hon. Senator from Alma asks how it is in England. One great advantage colonies have over England, is on that very point, that the conduct of our governors can be reviewed by higher authority than their own, whilst, of course, Her Majesty is supreme, and responsible only to the English people; but I will show presently what was thought in England, at all events, by very eminent statesmen. Lord Metcalfe took a very strong course in the late Province of Canada. In 1843 he forced a resignation and formed a new Ministry who went to the people and were elected, and commanded a small majority when they returned to Parliament. The situation was the same as if, in this instance, Mr. Joly should come back with a small majority. The language held by an eminent statesman in England, in that case was not such as the question asked by the hon. Senator from Alma would lead the House to suppose would be used. Hon. gentlemen opposite contend that if the result of the election now pending in the Province of Quebec should be favorable to the new Ministry, it would condone the offence of the Lieutenant-Governor. I do not think that is a sound doctrine. So far as the people of that Province are concerned it would, but if it be true that the Lieutenant-Governor has not carried out the high trusts reposed in him in a constitutional manner, I think he is still subject to be censured by the power from whom he derived his authority, no matter what may be the result of the election in his own Province. The success of the new Ministry would leave his responsibility to the Governor-General and this Parliament untouched. We will suppose a case as an illustration. The hon. Secretary of State has mentioned the appointment of Mr. Crawford as the Lieutenant-Governor of Ontario. Suppose he had taken upon himself to dismiss, under any circumstances, the Government of Mr. Mowat, who had a large majority at the time Mr. Crawford was Lieutenant-Governor of the Province, I apprehend Mr. Crawford would have been recalled very quickly, no matter what might have been the result of an election in Ontario. Take another instance: the Governor-General dismissing the Federal Government now in power. There have been several elections in the different Provinces which have

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

Hon. Mr. PENNY—Is it expressed by his official superior?

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

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

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

*Hon. Mr. Campbell.*

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

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—That is an inconvenience, but it is also an inconvenience to keep silence, because that would be construed into approval of the conduct of the Lieutenant-Governor. I think it important that the Senate should pronounce upon the case, not with a view to the effect upon those immediately concerned, but because it is important we should arrive at a sound conclusion for the future. All those views, so far as I could weigh them in my mind, have been governing me in arriving at the conclusion to ask the House to come to a decision now upon the point. It will be seen, I hope, that I have not taken this course without considerable reflection as to the effect of taking action and of refraining from taking action. It seems to me if we refrain from taking action we shall be misunderstood, and it is better for the House, if it believe the course pursued by the Lieutenant-Governor has not been such as to meet with its approval, to say so. I do not agree in the view that has been put forth that the rights and prerogatives of the Lieutenant-Governor as regards what has taken place in the Province of Quebec have been limited by the British North America Act. I believe, so far as the affairs of that Province are concerned, his prerogatives are the same as those of the Governor-General.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—The only way of carrying out responsible government is to admit that and to place the

Lieutenant-Governor in a similar position to that occupied by the Governor-General, and to see, so far as we can, that he carries out the duties that thus devolve upon him in the spirit of the Constitution. Having stated this much by way of introduction, and in order that the House may see that so far as I was able I have not been hasty in asking the House to take any action upon this question, I shall now proceed to enquire what the duties of a Lieutenant-Governor are, and how far Mr. Letellier has conformed to them, and, if he has gone astray, whether his mistake has been sufficient to justify us in expressing our opinion adversely to him. I do not propose to go into a history of the rise and progress of Parliamentary Government; I think it would be presumptuous on my part to do so, after the very learned and elaborate statement made on that subject elsewhere, and which must have been seen by every hon. gentleman in this House. Of course the opinion of the Senate should only be given with great care and after great deliberation, and only when the House is satisfied it is useful in the interests of the country that it should be expressed. In order to lay down some general rule as to what the course of the Lieutenant-Governor of a Province should be, I desire in the first place to read an extract from Freeman, in order to show the change which had taken place in the administration of Government in late years, and to place an outline before the House of the general course of conduct which should govern the present system, modified and relaxed as it has been of late years by constitutional usage. The following extract is from "The Growth of the English Constitution" by Freeman:—

"Since the 17th century things have in this respect greatly altered. The work of legislation, of strictly constitutional legislation, has never ceased. A long succession of legislative enactments stand out as landmarks of political progress, no less in more recent than in earlier times. But, alongside of it, there has been a series of political changes, changes of no less moment than those which are recorded in the Statute Book, which have been made without any legislative enactment whatever. A whole code of political maxims, universally acknowledged in theory, universally carried out in practice, has grown up, without leaving among the formal Acts of our Legislature any steps by which it grew. Up to the end of the 17th cen-

Hon. Mr. Campbell.

tury we may fairly say that no distinction could be discerned between the constitution and the law. The prerogative of the Crown, the privilege of Parliament, the liberty of the subject might not always be clearly defined on every point. It has indeed, been said that those three things were all of them things to which, in their own nature, no limit could be set. But all three were supposed to rest, if not on the direct words of the Statute law, yet at least on that somewhat shadowy yet very practical creation, that mixture of genuine ancient traditions and, of recent devices of lawyers which is known to Englishmen as common law. Any breach, either of the right of the Sovereign or of the right of the subjects, was a legal offence, capable of legal definition, and subjecting the offender to legal penalties. An act which could not be brought within the letter either of the statute or of the common law would not then have been looked upon as an offence at all. If Lower Courts were too weak to do justice, the High Court of Parliament stood ready to do justice, even against the mightiest offenders. It was armed with weapons fearful and rarely used, but none the less regular and legal. It could smite by impeachment, by attainder, by the exercise of the greatest power of all—the deposition of the reigning King. But men had not yet reached the more subtle doctrine that there may be offences against the Constitution which are no offences against the law; they had not learned that men in high office may have a responsibility, practically felt and acted on, but which no legal enactment has defined, and which no legal tribunal will enforce; it had not been found out that Parliament itself has a power, now practically the highest of its powers, in which it acts neither as a Legislature nor as a Court of Justice, but in which it pronounces sentences which have none the less practical force because they carry with them none of the legal consequences of death, bonds, banishment, or confiscation. We now have a whole system of political morality, a whole code of precepts for the guidance of public men, which will not be found in any page of either the statute or the common law, but which are, in practice, held barely less sacred than any principle embodied in the Great Charter or in the Petition of Right. In short, by the side of our written law, there has grown up an unwritten or conventional constitution. When an Englishman speaks of the conduct of a public man being constitutional or unconstitutional, he means something wholly different from what he means by conduct being legal or illegal. A famous vote of the House of Commons, passed on the motion of a great statesman, once declared that the then Ministers of the Crown did not possess the confidence of the House of Commons, and that their continuance in office was therefore at variance with the spirit of the Constitution. The truth of such a position, according to the traditional principles upon which public men have acted for some generations cannot be disputed, but it would be in vain to seek for any trace of such doctrines in any page of our written law. The proposer of that motion did not mean to charge the existing Ministry with

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

I think that gives more tersely and better than any work I have seen, the changes which have come over the administration of our system of government in the last sixty or seventy years. I thought I would read this passage in the House as a proper introduction to the general view which should be taken of the conduct of those who are entrusted with the administration of responsible government under which we are now living. Now, as to the duties

*Hon. Mr. Campbell.*

which may fairly be exacted from the Lieutenant-Governor, I desire to read some instructions which have been given from two colonial secretaries to the officers entrusted with the government of some of the old provinces of the Dominion. The first is an extract from Lord Grey's instructions to Lord Elgin. Lord Grey is as high an authority on this class of subjects as any one in the Imperial Parliament, and certainly Lord Elgin was not an officer who was likely to let himself go astray. He was as likely to maintain the system of government which he was instructed to carry out as any officer who could have been sent out, and the instructions given to him were not called for by any want of knowledge or disposition on his part, so they may be taken as essential to the guidance of any officer entrusted with the position. He was instructed:—

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

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

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

These are the instructions from one eminent statesman to another, directing him, in almost peremptory terms, to take care not to transfer power from one party to another, except when called for by the course pursued in the Legislature

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

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

Hon. Mr. PENNY—That is a repetition of what you have just read.

Hon. Mr. SCOTT—I fancy it is part of the printed instructions.

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

*Hon. Mr. Campbell.*

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

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

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

in the first place—to support his Government because they had a majority in the House of Assembly. It is put very strongly in the following extract published in the *Saturday Review* :—

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

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

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

*Hon. Mr. Campbell.*

Hon. Mr. SCOTT—Does the *Saturday Review* uphold that ?

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

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

Hon. Mr. PENNY—Sir George Bowen had a discretion to take the other side.

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

Hon. Mr. SCOTT—It is a negative support.

Hon. Mr. CAMPBELL—I did not think of quoting the *Saturday Review* as an authority, but merely as giving the facts. I will now read an extract or two from some high authorities upon the duties of the Executive—the duties of the Sovereign—which are analogous to those of the Lieutenant-Governor. I read from Bagehot's “English Constitution” :—

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

“ An English monarch should not dissolve Parliament against the will and the interest of the Ministry which is in power. No doubt the King can dismiss such a Ministry and replace it by another Administration, whose advice to dissolve Parliament he could take. But even with this precaution, to act thus towards a Ministry which had a strong majority in Parliament would be to strike a blow which it is almost impossible to suppose. We do not believe that Queen Victoria herself, in spite of the popularity and respect by which she is surrounded, to a greater extent perhaps than any of her predecessors, would ever have recourse to such a measure. What would be thought if she should reason thus :—“ The Whigs are in a majority in the existing Parliament, but I think the country would favor a Tory Administration. Let us, therefore, dis-

solve Parliament, and see whether the country will not elect a Parliament of opposite opinions to those which prevail in the present Parliament. What would be thought? No Englishman can dream even of a catastrophe of this nature, and which to him appears to belong to the phenomena of a world altogether different from that which he inhabits. In practice, in England the Sovereign considers himself obliged to follow the advice of the Ministry which the House of Commons desires to maintain in power. All prerogatives at variance with this principle have fallen into disuse, but the Sovereign may accord to the Ministry the opportunity of securing, by an appeal to the people, a majority which is denied it in the House of Commons, but to strike from behind, so to speak, and strangle by means of an appeal to the country a Ministry sustained by Parliament, would be an event which no longer enters into the calculation, although in former times instances of this occurred in our annals.

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

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

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

I think I have shown sufficiently clearly  
Hon. Mr. Campbell.

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

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

After having studied the general state of

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

I think that completely reverses the relative position of the Lieutenant-Governor and his Ministers. It is not for the Lieutenant-Governor to make up his mind what changes, legislative and administrative, were necessary. It was his duty to have remained and seen what legislative and administrative changes his Ministry thought proper, and to have adopted them or not, as they advised. But, on the contrary, he seems to have been anxious himself to take the initiative. I do not think anything can illustrate more strongly the different spirit in which Mr. Letellier sat down to discharge his duties from that which should have governed him, judging from the authorities I have read, and the language used by the statesmen whose names I have mentioned. Then he goes on to say :—

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

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

"(Private and Confidential.)

"QUEBEC, 14th March, 1877.

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

Hon. Mr. Campbell,

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

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

"Yours, very truly,  
"(Signed)

"L. LETELLIER.

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

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

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

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

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

"It therefore results : 1st, That although the Lieutenant-Governor has made many re-

commendations in his position as Representative of the Crown, to the Premier, on these different subjects of public interest, his advisers have undertaken a course of administrative and legislative acts, contrary to these recommendations, and without having previously advised with him."

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

Hon. Mr. Campbell.

neglect the blank was not filled up there. The mistake was subsequently corrected by passing another Bill imposing the penalty, and the second Bill appears on the very next page after the original measure. It seems to me that the Lieutenant-Governor has not acted in a spirit of fairness when he makes a mistake, which was remedied at once, the subject of a complaint against his Ministers. Then, his statement about the absence of his signature to proclamations does not seem to be true in fact. In his despatch to the Governor-General, great stress is laid on the appointment in Montmagny. It was made on the advice of the Ministry in consequence of the illegality of the election in the village of Montmagny. Further facts having been brought to light, they were laid before the Ministry by the Lieutenant-Governor, and though the Attorney-General still held that the appointment was perfectly legal, Mr. De-Boucherville gave way and rescinded the appointment. An informal election was allowed, and the man elected was allowed to retain his seat. When all this was done, it seems to me the Lieutenant-Governor was actuated by a spirit of unfairness in bringing up this matter as a justification for the dismissal of his Ministry a year after it had occurred. I venture to ask the House if from those extracts which I have read one cannot safely and without any straining arrive at this conclusion—that Mr. Letellier, being a man of very strong political convictions, went down to the Province of Quebec to impose his own policy upon that Province, expecting to be able to do so either through the weakness of the Ministry or through their dismissal, and a substitution of a Government which would carry out his views. I think that deduction is not an unreasonable one; on the contrary, it is not only a reasonable one, but, in my judgment, one from which we cannot escape. He was actuated by a desire to control the course pursued by his Ministers in the same way that Governors of colonies did forty or fifty years ago. The Governor defends the course pursued with reference to the dismissal of his Ministry by stating that certain measures of finance had not received his assent, and that he had given no authority for the introduction of the South Shore Railway Bill and the North Shore Bill. I

dismiss the measures of finance, because they are satisfactorily explained by the course pursued by the Lieutenant-Governor in sending up a blank for the Government to fill in and the subsequent conversation with Mr. DeBoucherville. These show the disposition of the Governor to give them the usual sanction for the introduction of measures of finance. The power given to the Executive respecting the introduction of measures of finance is not a power given to the Executive for his own sake or for him to exercise personal discretion about. The Lieutenant-Governor assents to any measure of finance that the Ministry advise. So long as they have a majority, he is bound to act upon their advice. The will of Parliament should be carried out, and his assenting to measures of finance is really done for the purpose of preventing such measures from being introduced save by the Government, so that a private member may not introduce such legislation. It is perfectly clear that the Lieutenant-Governor in giving a blank, and in his conversation with his Ministers, authorized them to initiate measures of finance. I will read the conversation detailed by Mr. DeBoucherville, to which I refer. He says:—

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

This was after the receipt of what is called “the blank authorization.” Mr. Letellier does not deny the conversation at all, but he says it had no reference to the North Shore Railway Bill; but only to matters of finance. I only contend that the sending of a blank and the conversations go to show there was no disagreement between the Ministry and the Lieutenant-Governor on matters of finance at all events. The course pursued by the Treasurer in submitting his measures to Parliament was, the Lieutenant-Governor admitted, consistent with his duty, and did not in any way contravene the rights and privileges of the Lieutenant-Governor. I say nothing about the South Shore Railway Bill, because that afterwards seems to have been assented to on the advice of

*Hon. Mr. Campbell.*

the Ministry. I dismiss all the minor complaints, because they certainly do not justify the Lieutenant-Governor's action. On the contrary, they seem to indicate a desire—I do not say this without having, I think, ample grounds—to find out causes of dissatisfaction with the Ministers. He gathered up, as it were, from time to time such facts as would eventually warrant him in taking extreme measures with them. There remains nothing but the North Shore Railway Bill. With reference to that the Lieutenant-Governor says it was introduced without his authority. Before discussing the question of authority, I desire to state to the House accurately what the facts were with reference to that measure. The resolutions were introduced on the 29th of January, after the receipt of the message from the Lieutenant-Governor from Riviere Ouelle with the blank asked for as to the measures of finance. Why the DeBoucherville Government connected that telegram with the North Shore Railway resolutions, I do not understand. It may have been some misconception on the part of the Government, and a belief that the resolutions related to money. Whether it was on that account or whether it was a pure mistake I do not know, these resolutions not being specifically on subjects of finance, but involving the expenditure of money in reference to stations and repairing shops in the City of Montreal for the North Shore Railway. At any rate, after the receipt of that telegram, saying a blank was coming up, the resolutions were introduced. It may well be that I am right in saying that Mr. DeBoucherville believed those resolutions were authorized by the telegram, because the other resolutions respecting the Railway Bill were not introduced at the same time—not until some days afterwards. Day by day the Votes and Proceedings of the Legislature were sent to the Lieutenant-Governor, and he must have known the progress the measure was making. He was well informed personally, of course, but not officially, of the various stages of the measure; but on the 19th an interview took place, when the Bill had passed through the Lower House. On that occasion the Bill formed the subject of conversation; that is mentioned in Mr. Letellier's own paper, as well as Mr. DeBoucherville's. Although the Lieutenant-Governor had been informed from

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

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

*Hon. Mr. Campbell.*

That was directed against the North Shore Railway Bill. Supposing Mr. De-Boucherville had gone to the Lieutenant-Governor with this Bill formally and said “I propose introducing this measure,” the Lieutenant-Governor had no constitutional right to interfere or say “I cannot permit you to introduce such legislation.” He might have said “I think you should not for this and that reason, but the responsibility is with you.” But instead of that he took the exaggerated view that direct and absolute authority must be got from him to introduce it in Parliament. I think the true doctrine was enunciated by the Premier of this country. In another place upon the discussion of this matter there he said:—“Every Bill introduced by the Ministry has the assent of the Crown.” I take it, he did not mean that every Bill was laid before the Governor and his authority asked for its introduction, but that they being advisers of the Crown had constitutionally the assent of the Crown for their measures. The legislation of the country goes on in that way, and the direct formal authority of the Governor for the introduction of measures is not sought for in the way Mr. Letellier supposes. Nobody in England imagines that the Ministry go with every Bill they introduce for the sanction of the Sovereign. It was stated in the other House by a Right Hon. member who had served under five Governors that the practice in Canada has not been so. The hon. Secretary of State knows it has not been the practice with the present Government. Take the two important Bills introduced in this House. Neither of them, I will venture to say, received the sanction of His Excellency in advance of their being introduced, and he probably knew nothing about them until he read the discussions on them. The true doctrine is that when the Ministry introduce a Bill, the fact of their being the advisers of the Crown is the only authority necessary for the introduction of it on the part of the Crown. This is one great reason why the power of vetoing bills has fallen into disuetude, because really Her Majesty gives assent to bills before they are introduced; the Ministry are responsible for them. My hon. friend from Alma Division interrupted me a few minutes ago with an allusion to Lord Palmerston's case, as though that were at variance with this doctrine. But what

were the facts? Lord Palmerston had wilfully, and without informing his colleagues, departed from the policy of the Government of which he was a member, and was dismissed by the Premier. In conversation with the French Ambassador, Lord Palmerston had showed a leaning towards Napoleon, and a disposition to condone the *coup d'état* of the 2nd of December in a way which exceeded the decisions and views of the Cabinet, and he was dismissed on the advice of his colleagues. But that does not affect the question whether or not the absolute authority of the Lieutenant-Governor is necessary to introduce legislation. Supposing such authority were necessary, Mr. Letellier would be in a position to control everybody. But there is no such doctrine. The difference between measures of administration and measures of legislation is perfectly clear. Those gentlemen who have followed the debates in another place will know it was demonstrated there at great length that the difference was of a very vital character. Any member of Parliament could bring in any bill save a money one, but measures of administration can only proceed from the executive authority. The House will see that I have restricted myself to the course which, a Lieutenant-Governor should lay down for himself with reference to the government of a province entrusted to his charge, and it seems to me that Mr. Letellier has departed from the constitutional spirit and that rule. I think it a clear deduction from what has happened that he went down to his native province, determined to impose his own policy upon the country, and not to carry out that of his Ministry. That is a course which no Lieutenant-Governor should be allowed to suppose he can pursue, and whatever may be the result of the elections in Quebec, I think we shall but discharge our duties by pronouncing it here and now to be a departure from the principles of responsible government. I confess, under the circumstances, it might have been wiser for the De-Boucherville Government to have taken unusual precautions and to have gone to the Lieutenant-Governor with the railway bills beforehand, but I hold it was no dereliction of duty on their part that they did not take that precaution, and if they had, Mr. Letellier could only have said

*Hon. Mr. Campbell.*

"I do not like it, but you have got Parliament at your back, and you must take the course you think best." That would have been done in England, or here. On all these grounds, it seems to me, the course that has been pursued by Mr. Letellier in trying to force his views on his Ministers and on the country was a departure from constitutional usage and principle. The resolution before the House points not only to the dismissal, but to the course pursued before the dismissal. If we do not adopt this resolution, our silence will be construed into an approval of conduct which I think deserves condemnation; and greater danger will result to the State than from our speaking now, even in view of the proximity of the elections. I ask this House with some confidence to pronounce in the words of this resolution, that "the course adopted by the Lieutenant-Governor of the Province of Quebec was at variance with the constitutional principles upon which responsible government should be conducted."

Hon. Mr. BELLEROSE—It was my intention to address the House in French, but, after reflection, I thought it would only be a matter of courtesy to do so in English, and save the House the weariness of addressing them in a language to which the greater number of hon. gentlemen present are unaccustomed.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BELLEROSE—I wish, at the outset, to state how deeply I regret the circumstances that have forced this question upon this House. Such discussions are certainly not calculated to increase that respect and veneration which are at all times due to the Crown and to its representatives. True, the responsibility of the evil rests on the party whose acts are to be inquired into, but if the consequences are such as I have just shown them to be, whatever may be the necessity for them, and, in this circumstance, I have no hesitation to state that such discussions are a necessity, nevertheless they are to be deplored by every true lover of this country. For my part I feel deeply on the matter, and so much more that the gentleman whose conduct is the subject of this discussion is a citizen of my own Province and a man of my own origin and nationality that nationality

which fought so much some forty years ago against that oligarchy which then ruled over my native Province; a nationality which has sacrificed its most patriotic men to secure the liberties we now enjoy; a nationality which more than any other in this Dominion is interested in the maintenance of our present Constitution.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BELLEROSE—Hon. gentlemen, had I been told a few months ago, that amongst the many Lieutenant-Governors of this Dominion, Mr. Letellier would be the first, nay, the only one, who would attempt to violate the Constitution in such a way, I could not have believed it, and no doubt many an hon. member of this Senate would have refused to endorse the statement, knowing as we all know that gentleman and his Liberal proclivities. Was he not known by his party as a Liberal *par excellence* and as the standard bearer of the Liberal party in his Province? How many times have hon. gentlemen in this House heard Senator Letellier vindicating the rights of the majority and proclaiming the sovereignty of the people! Yet all those grand principles, it seems now, Senator Letellier did not believe in, but they were only proclaimed by that hon. gentleman as a means of increasing his popularity and that of his party. At all events, to that conclusion alone can I come when I consider his conduct since his appointment to the governorship of the Province of Quebec. From the very first day of his elevation to that high position, Lieutenant-Governor Letellier seems to have forgotten all the great principles he (as a private individual and politician) had advocated in times past, and has become an arbitrary ruler and an arbitrary Governor. In England and all over the British Empire our most gracious Queen reigns, and never did she attempt to govern and deprive her legal advisers of their rights. But in Canada Lieutenant-Governor Letellier considers it to be beneath his dignity to submit to the advice of his constitutional advisers, and reserves to himself the arbitrary power of ruling and governing. His Honor cares no more for the well understood wishes of the people constitutionally expressed by

Hon. Mr. Bellerose.

their representatives. His views must be carried out, or he will find out some means, good or bad, to eject his Ministry from office, whatever may be their popularity or whatever may be the support they receive from Parliament. This brings me naturally to the question of the power of the Sovereign to dismiss his constitutional advisers. May, in his constitutional history of England, has the following:—

“The right of the King to dismiss his Ministers was unquestionable; but constitutional usage has prescribed certain conditions under which this right should be exercised. It should be exercised solely in the interests of the State, and on grounds which can be justified to Parliament, to whom, as well as to the King, the Ministers are responsible.” \* \* \*

“Both (the prerogatives and influence of the Crown) have been exercised wisely, justly, and in the true spirit of the constitution. Ministers, enjoying the confidence of Parliament, have never claimed in vain the confidence of the Crown. Their measures have not been thwarted by secret influence, and irresponsible advice. Their policy has been directed by Parliament and public opinion, and not by the will of the Sovereign, or the intrigues of the Court.”

In the 2nd volume of the same work, I find the following:—

“By the adoption of this principle (responsible government or ministerial responsibility), a colonial constitution has become the very image and reflection of Parliamentary Government in England. The Governor, like the Sovereign whom he represents, holds himself aloof from and superior to parties; and governs through constitutional advisers, who have acquired a ascendancy in the Legislature. He leaves contending parties to fight out their own battles, and by admitting the stronger party to his councils, brings the executive authority into harmony with popular sentiments. And as the recognition of this doctrine in England, has practically transferred the supreme authority of the State from the Crown to Parliament and the people, so in the Colonies has it wrested from the Governor and from the Parent State the direction of Colonial affairs.”

In Bagehot, another writer on constitutional law, we find the following:—

“The Sovereign under a constitutional monarchy such as ours has three functions: to give advice, encouragement and admonition. A prudent and a wise King ought not to desire to have any other rights. He ought to see that being deprived of other rights would place him in a position to exercise those three functions in a more efficacious manner. He could say to his Ministry: ‘On you rests the responsibility of those measures. I have to do what you advise me as being good, and everything

that you advise me to do as being good shall receive my entire support."

In another part of Bagehot I find another point bearing on this subject, which I intended to quote, but as it has been referred to by the hon. leader of the Opposition, I will not now do so. The next authority from whom I will quote is Hearn, another writer on constitutional government. He says:—

"Under Sir Robert Walpole the modern system, in most at least of its features, was established. It was to a great extent discontinued under his successors, but was revived at various intervals and with various success during the reign of George the Third. Towards the close of that long reign, or rather of that part of it in which the King himself exercised the functions of royalty, the principles and the practice of what is now called Parliamentary Government were firmly established. The policy of the Crown has since that time been determined, on the whole, by the advice of its Ministers; and the Ministry is changed at the time of the changes of feeling in public opinion and in conformity with those changes."

Another authority on the subject, and not the least—Lord Dufferin—says in one of his speeches delivered at Halifax:

"If there is one obligation whose importance I appreciate more than another, as attaching to the functions of my office, it is the absolute and paramount duty of maintaining not merely an outward attitude of perfect impartiality towards the various parties into which the political world of Canada, as of the Mother Country, is divided, but still more preserving that more subtle and inward balance of sympathy, judgment and opinions which should elevate the Representative of your Sovereign above the faintest suspicion of having any other desire, aim, or ambition than to follow the example of his Royal Mistress in the relations which she has constantly maintained towards her Ministers, her Parliament and her people. No, gentlemen, I understand my duty too well even to allow my judgment or my sympathies to be surprised into political partizanship. My one thought and desire is the welfare of Canada as a whole, to maintain her honor, to promote her prosperity; to do my duty to her and her entire people, is the sole object of my ambition. When I converse with your public men, it scarcely ever occurs to me to remember to what political party they belong. I only see in them persons devoting themselves, each according to his lights, to the service of his country. My only guiding star in the conduct and maintenance of my official relations with your public men is the Parliament of Canada; in fact, I suppose I am the only person in the Dominion whose faith in the wisdom and in the infallibility of Parliament is never shaken. I, gentlemen, believe in Parliament no matter which way it votes, and to those men alone

*Hon. Mr. Bellerose.*

whom the absolute will of the Confederate Parliament of the Dominion may assign to me as my responsible advisers, can I give my confidence. So long as they (Ministers) are maintained by Parliament in their positions, so long am I (the Representative of the Crown) bound to give them my unreserved confidence, to defer to their advice, and loyally to assist them with my counsels."

Then, hon. gentlemen, to help you to arrive at a fair conclusion on the conduct of the Lieutenant-Governor of the Province of Quebec, let me refer you to the words he himself uttered some five years ago on 13th August, 1873:

"The Royal prerogative cannot be made use of for the purpose of restraining the liberty of the people. On the contrary, that prerogative ought to adapt itself to circumstances, and to be exercised in the interests of the people, regularly shown to be such; if it were otherwise, Parliament might as well be dispensed with, and the people be compelled by violence to obey the commands of the Crown, without any respect for their representatives."

I am much mistaken, if those quotations do not conclusively show that the supreme authority of the State rests in Parliament, and the people, and that the duty of the Sovereign is to place his confidence in such men as Parliament may assign as his constitutional advisers, cooperate with them, and cordially receive their advice. To this view of the question may be objected that, in practice extraordinary circumstances may occur when, in the interest of the country, the Sovereign may not, or even ought not to yield to the advice of his Ministers, supported, as they may be, by Parliament. No doubt such circumstances may occur when the Sovereign may resist, or even refuse to yield to the advice of his Ministers; but then, as stated by May (Constitutional History of England, vol. 1, p. 126.)

"This right of the Sovereign, according to constitutional usages, should be exercised solely in the interest of the State, and on grounds which can be justified to Parliament, to whom, as well as to the King, the Ministers are responsible."

Or, as Mr. Todd says (pamphlet, p. 23.) "The prerogative of dismissing a Ministry, can only be constitutionally exercised on grounds of public policy, and for reasons which are capable of being defended and justified to the Assembly as well as to the Queen."

Or, as another author, whose name I do not now recollect, has said:—

"The act of the Sovereign must not bear the impress of his personal will, but, on the contrary, must show conclusively that his conduct is prompted by grand reasons of State policy."

And even then, according to the above cited authorities, and particularly Mr. Todd, whose words I quote:—

"The Sovereign, in the first instance, should endeavor, by suggestion or remonstrance, to induce his Ministers to modify or abandon a policy or proceeding which he was unable to approve."

And then only, in case his Ministers should not yield, could the Sovereign be competent to use the extreme remedy, and require the resignation of his Ministers, or dismiss them from office; or, what would seem to be the most constitutional course to pursue, if the variance of opinion between the Sovereign and his Ministry should originate on any ordinary question of legislation, the Sovereign should force his Ministers to advise a dissolution of Parliament, and, in case of a refusal to accept such advice, then dismiss them, or force them to give way by using the prerogative of dissolving Parliament. Such a course, to my mind, was the only one open to the Lieutenant-Governor of Quebec, according to constitutional usages, in case it should be shown that His Honor had sufficient reasons to have recourse to such an extremity. It would also be in harmony with the following words, which Lord John Russell places in a dispatch to Governor Thompson as being the views of our Most Gracious Queen:

"She has no desire to maintain any system of policy among her North American subjects which opinion condemns."

Despatch to Gov. Thompson, 14th October 1839.

Having thus shown what are the conditions, constitutional usages have prescribed to the exercise of the right of the Sovereign to dismiss his Ministry, I come now to the real question for this House to decide, whether His Honor the Lieutenant-Governor of the Province of Quebec, in dismissing his Ministers, has done so according to well understood constitutional law, or whether his act was not a violation of the well established

Hon. Mr. Bellerose.

principles of that law. The first thing I have now to do is to take up the documents which His Excellency the Governor-General has been pleased to transmit to this House, such documents containing the whole circumstances of the Quebec *coup d'état*. But the hon. mover of the resolution under discussion having gone over the whole ground, and shown, better than I could afford to do the true state of the question, as well as the relative positions both of the Lieutenant-Governor and his late Ministers, I may fairly dispense with occupying the time of the House in going over the same ground, and refer hon. members to that part of the speech of the hon. mover and to the documents. For my part I must say, after having gone over all those papers with the greatest attention, I could not help coming to the conclusion that the letter of the late Premier DeBoucherville, to the Lieutenant-Governor was the most complete refutation of the reasons or motives given by His Honor. And the letter of the late Premier to His Excellency the Governor-General, I consider the most crushing answer to all the reasons set forth by the Lieutenant-Governor Letellier in his last memorandum that could be possibly given. I regret to state that a careful perusal of all those documents has left me under the conviction, that His Honor in this particular circumstance had been actuated by very different motives than those by him assigned, and that he has proceeded to that extremity of using the prerogative without having such good reasons of state policy to act upon as could justify him in doing so. Nay, more than that, to me it seems that this act of His Honor bears the impress of his personal will; and, I may add, of his determination to help in a party triumph. If such be the case, and I have no doubt but it is, and if my interpretation of constitutional law is sound, what other conclusion can I come to, except to the following: That the Lieutenant-Governor of the Province of Quebec, in dismissing His Ministry, in the circumstances referred to, did so, in violation of the well understood principles of the constitutional law of the Empire, to which we have to look for our guidance. In conclusion hon. gentlemen, I beg to second the motion now before the House.

Hon. Mr. SCOTT—In rising to make a few observations on the proposition of the hon. gentleman from Kingston, I must say I do not concur in the opinion he expressed in his introductory remarks, that the bringing down of those papers and the placing of them on our table, involves the necessity of our expressing an opinion upon them, or taking any vote in this Senate as to the action of the Lieutenant-Governor of Quebec. On the contrary, I think it is rather unfortunate that at this particular moment the Senate should discuss a question that is now before the only tribunal that can really express a proper opinion upon it. I shall not, of course, challenge the right of the Senate to discuss this proposition; on the contrary, I think that propositions of this kind are very fit subjects to be debated here, but it is unfortunate that the occasion is one which will prevent that just and fair expression of opinion which might attend the discussion of the subject at another time and under other circumstances. I for one cannot disguise the fact, that on the present occasion political feeling is running entirely too strong to give any weight or value to this discussion. It was obvious from the debate in another place, and will be apparent from the result in this House, we are simply speaking on the subject from a political stand-point. I think the circumstances attending the debate in another place, and the circumstances that will develop themselves here as this debate proceeds, justify me in coming to that conclusion, and, therefore, an expression of our opinion, however valuable it may be under ordinary circumstances, will lose much of the weight and importance that ought to attach to the duty that we have undertaken on the present occasion. The people to whom this subject has been referred, are thoroughly acquainted with the principles of constitutional government. It was in Lower Canada that action was first taken in consequence of misgovernment, that led to the introduction of what is now known as responsible government in this country. Hon. gentlemen will quite understand the circumstances to which I have alluded—the occurrences of 1836 to 1838—and the people of Lower Canada have shown a capacity for thoroughly understanding and appreciating the nice questions that arise in the rela-

*Hon. Mr. Scott.*

tive positions occupied by the Lieutenant-Governor, the Legislature, and the people. Having made these observations, I may say, that I do not propose to follow the very carefully prepared speech of the hon. Senator from Kingston, delivered, as it was, with a great deal of equanimity and calmness, but I desire to call attention to one or two points that he, himself, omitted, in illustrating the application of the principle of the power of the Lieutenant-Governor to dismiss his Ministers. I assume, as a starting point, that that power exists. It is a principle of the British Constitution. Of course, it will be urged, and properly urged, that the interpretation of that power means within the spirit of the constitution as administered under responsible government. It is clear, however, that he himself must be the judge of whether his action is wise or otherwise, and it is for the people to say whether the action taken by the Lieutenant-Governor was in their interest or not. I quite concur in a good deal that has fallen from the hon. gentleman behind me (Mr. Bellerose) in quoting the extracts which he did as to the sentiments of Mr. Letellier de St. Just when a member of this Senate. They quite concur, in my judgment, with the course he has seen fit to adopt on the present occasion.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—That course was instigated by a desire to allow the people to pass an opinion upon what he considered was the maladministration of his advisers, and here I desire to draw attention to an authority that the hon. Senator from Kingston has entirely overlooked—a gentleman who has watched this matter from its inception; a gentleman who was on the spot at the time, and was capable of judging (being an outsider taking no part in politics) whether the action of the Lieutenant-Governor was in the spirit of the constitution. That gentleman was in the early history of the constitution of this country a very active writer on a leading newspaper in the City of Montreal. He subsequently held the position of a member of a Government in this country, and was himself also First Minister of a Government at the very time the system of responsible government was being worked

out and applied in Canada. He was subsequently selected by the British Government as a suitable person to fill the office of Lieutenant-Governor in one, and subsequently in another, of the colonies. The gentleman I allude to is Sir Francis Hincks. He has taken a very active interest in this controversy, and no doubt hon. Senators have read his observations from time to time as published in the press, indicating very clearly that he at least approves of the course adopted by Hon. Mr. Letellier. He laid down the principle that the correspondence, to go no further, justified him in coming to that conclusion. He took the very Bill referred to, "The Montreal, Ottawa and Occidental Railway Act," and showed that it being a measure of a very unusual character, was one that should under the circumstances have been referred to the Lieutenant-Governor before its submission to the House. I quite concur with what the hon. gentleman from Kingston stated, so far as ordinary measures are concerned, that they are considered to have the assent of the Crown when they are introduced; but there are other measures to which the assent of the Crown should be obtained, and this Bill in question was one of that extraordinary character. The city of Montreal had undertaken to give a bonus of \$1,000,000 to the railway on certain terms and conditions. A vote for that bonus was carried by the rate-payers on the condition that the road was to take a certain direction; and there were other conditions attached which are not necessary for me to comment upon at present. The Government of the day chose to ignore those conditions; they chose to insist that the city of Montreal should pay this \$1,000,000, entirely ignoring the sacred obligations entered upon at the time the by-law was passed; under that condition of things they chose to say, "if the people of Montreal do not pay that bonus, we will carry a measure through Parliament by which we can enforce the collection of the money from them." I gather from the conversations between Mr. Letellier and Mr. DeBoucherville, that this measure was not submitted to the Lieutenant-Governor. Mr. Letellier says so distinctly himself, and it is not denied on the other side. It was supposed he would read the debates of the House, and inform himself as to the

*Hon. Mr. Scott.*

legislation that was being carried on, but there is the fact that this measure of an unusual character was being carried through without being submitted to him, or without his approval. He felt, as petitions were coming in one after the other against this sort of legislation, that he was the proper person to intervene between the Government of the day—supported as they were in the House by a large majority—and the people of the country, and he felt it was not treating him with that sense of respect that was due to his position as Lieutenant-Governor of the Province, to entirely ignore him in such an important matter. I assume, from the controversy that seems to have gone on, that the Government had been accustomed to act entirely without the concurrence of the Lieutenant-Governor who had preceded Mr. Letellier, as it was a matter of notoriety that Mr. Caron was in feeble health for years before his death, and it was highly probable that the Government of the day had, perhaps unconsciously, come to believe that it was not necessary to consult the Lieutenant-Governor, or obtain his sanction and support in their legislation, and trusted to obtain his formal assent whenever it was necessary to do so. The year before Mr. Caron died, it was a matter of notoriety. I quite agree with the hon. gentleman from Kingston, that there are other matters referred to in the document before the House that are not of sufficient importance to take into consideration here. The Lieutenant-Governor had been requested to make an appointment of a councillor, when, in fact, one had already been chosen by the people. That case was an illustration of the Executive intervening between Mr. DeBoucherville and the people, but it was a very much more important one which referred to the by-law of the City of Montreal, where he had also intervened between the people of Montreal and Mr. DeBoucherville's Government. That by-law and its effect ought to have been left entirely to the operations of the courts. The Premier in justifying his action in reference to it, quotes the case of the Municipal Loan Fund of Upper Canada. I do not think there is any parallel between the two cases. In the Municipal Loan Fund case the money was borrowed from the Government and devoted to railway,

or other local purposes. He also refers to the action in the Province of Ontario, insisting on payment of the moneys due from municipalities, but they are in no sense parallel either; they are in no degree similar to the action taken by himself with reference to the Montreal by-law which was clearly the introduction of a system of Parliament legalizing a by-law against the will of the people, and over-riding entirely the conditions that had been made between the company and the corporation. A case somewhat similar to this one in Quebec, occurred quite recently in South Africa, in which Sir Bartle Frere thought proper to dismiss his Ministers because they declined to allow the local police to take part with the royal troops in fighting the insurgents in the interior of the country. Hon. gentlemen will say that was a case of considerably greater importance, as it was a matter in which Imperial interests were involved. I grant it was, but it illustrates that there are times when a Lieutenant-Governor might be quite justified in dismissing his Ministers. The main ground I take on the present occasion is that the time is inopportune; that before three weeks pass the people of Quebec will have pronounced on this whole question, and will have decided whether the action of the late Government was constitutional or otherwise. The mere circumstances involved in the discussion which do not fairly disclose the position of that Government towards the people of Lower Canada, the utterances of members of Parliament and of the press of the day, show that the Government had been carried on lately entirely above and irrespective of what might be understood to be the opinion of the people. They had run very recklessly into debt; they had been obliged to borrow money at a very high rate of interest, and had been endeavoring to carry on the Government by subsidizing railways in several sections of the Province. In the conversations that took place between the Lieutenant-Governor and Mr. DeBoucherville, the latter had acknowledged that was one of the reasons why he was compelled to introduce this railway legislation; that he could not keep his party together unless he subsidized those railways through the Eastern Townships and on the North Shore; and the parties who were interested in this

*Hon. Mr. Scott.*

railway had practically controlled the legislature. He had made use of the word "rings" in the course of the conversations on this subject, and he had clearly intimated that the House demanded this legislation, and it was a necessity of his Government that it should be granted, although it was known that the finances of the Province did not in any degree warrant those large bonuses being voted to the several railways. These are the questions I have no doubt, that will be discussed, between now and the first day of May, when the people will have to decide whether the action of the Lieutenant-Governor was constitutional or otherwise. I think it unfortunate that this House should at the present moment be occupied in discussing this question, when the whole effect will be to influence the parties outside. We are simply on the one side, or on the other, furnishing arguments to be used over again in the contest outside. The House of Commons that is certainly more allied to the people, elected as they are by the people, and who will shortly go to the people again for re-election, will probably by a very large majority to-night have sustained the action of the Lieutenant-Governor, while this House, having no responsibility to the people other than what they may create themselves, a body not amenable to public opinion, who hold their seats entirely irrespective of governments or the popular voice, will express an opinion the other way. Our action will be in marked contrast with that of the people's representatives who are shortly to appear before the electors to answer for the opinions they have expressed on this constitutional question. But it cannot be concealed that the anxiety to obtain a majority vote in support of the hon. gentleman's proposition, is to gain political support for the friends of the hon. gentleman in the Province of Quebec.

Hon. Mr. CAMPBELL—I deny it absolutely.

Hon. Mr. SCOTT—I have no doubt the hon. gentleman labors under that belief, and would lead others to believe that he has risen to a higher plane, above and beyond party politics, but I do think his good intentions have been foiled on the present occasion, and if he had wished

this to be the result, he would have selected another time when we could have discussed this question free from party bias.

Hon. Mr. DICKEY—I hope we will not be kept here until after the first of May to give us an opportunity of discussing it.

Hon. Mr. SCOTT—I said the vote to-night would prove what I had alleged, that it will be purely and simply a party vote, and that therefore it would not be worth his while to lay down any precedent or expression of opinion which, if it is followed, will be simply that of gentlemen who speak from a party stand point. Hon. Senators may think that observation of mine is an extreme one.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—I am quite prepared to hear that view, but in confirmation of what I stated at the outset, that the result would mark that I was correct in the premises I laid down, that this question would be discussed entirely from a party stand point, when the history of this transaction comes to be read in the future, when the House of Commons having taken one view of it, the people of the Province of Quebec having taken the same view of it by sustaining the new Premier and his colleagues, it will place the dictum of the Senate of Canada in anything but an enviable position.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—I think it is unfair to the hon. gentleman who has assumed the functions of Premier to weight him down by the action of this House on this question. He has assumed the responsibility of the action of the Lieutenant-Governor; he has done so boldly and manfully, and I think it unfair, considering the great odds that are working against him to-day in the Province of Quebec, that he should be weighted down by an adverse judgement of this Senate.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—The Premier of the Quebec Ministry is known to be a man of high spirit, a man who certainly ranks high for his sense of honor and political feeling. It is very well known that had that gentleman chosen, he could have been in positions of trust, and, no doubt, could have been elevated to the position of a Cabinet Minister before now, but he de-

Hon. Mr. Scott.

clined for reasons for which all men must give him credit, and the independence of his character no man can call in question. He is surrounded by gentlemen who are highly thought of in the Province of Quebec, gentlemen against whose characters nothing can be urged. They appear to-day before the tribunal of the people, and I think it is very unjust to that new Government that a judgment of this House should be passed which will to some extent prejudice their position before the electors.

#### AFTER RECESS.

Hon. Mr. MILLER resumed the debate. He said: It is not my intention to detain the House at any length in the discussion of the question now under consideration. When those papers were submitted to the House under a message from His Excellency the Governor-General, some days ago, I had resolved, should a discussion before this branch of the Legislature grow out of them, to address the House at some length on the constitutional questions involved in the recent Ministerial changes in Quebec, and with that view I carefully looked into a number of authorities on which I intended to support my argument, touching the unconstitutional conduct of Lieutenant-Governor Letellier. Since then this question has been so fully discussed, not only in the press of the country, but in the other branch of the Legislature, and it has been so ably stated and illustrated by the hon. leader of the Opposition in this House, that I would hardly venture to trespass further in citing authorities in support of the views entertained on this side of the House on the constitutional points involved, after they have been so clearly elucidated by others, and supported by a multiplicity of authorities in both branches of the Legislature. I feel that the true constitutional doctrine has been so thoroughly established in this way that there does not appear to me to be the slightest necessity for encumbering the "Debates" with any additional quotations with regard to it. Having come to this conclusion, after the able address of my hon. friend (Mr. Campbell), I put aside the authorities, which I would otherwise read to the House, and now rise simply with the view of offering a few remarks

on the general features of the case. In doing so, I think I will be consulting the general desire of hon. gentlemen, that as little time should be occupied in the discussion at this late period of the Session, as is consistent with the duty we owe to our position. I cannot avoid expressing my disappointment and surprise in listening to the extraordinary speech which was made just before the House rose for recess by the hon. Secretary of State. I was astonished at the different and contradictory positions assumed by my hon. friend during the course of his very illogical address. I was not so much astonished at the feeble and incoherent character of his observations, as I knew very well that the hon. gentleman's heart was not in his speech—that gentleman occupies a position, not of his own seeking, nor of his own making, but a most uncomfortable situation where he was called upon to defend an old friend and colleague in conduct which he knew to be entirely indefensible. I feel inclined, and I have no doubt the same feeling of commiseration animates others, to make excuses for a gentleman occupying, like my hon. friend, a leading position in a Liberal Government—a Government belonging to a party, who, in this country, have been the champions and advocates in times past of responsible government—a position which he himself felt to be subversive of true Liberal principles and the traditions of the old Liberal party of the Dominion. I knew if he was not placed in such an embarrassing predicament he would not have made such a feeble defence of the action of his old colleague the Lieutenant-Governor of Quebec; for we all know that the hon. gentleman possesses the ability and constitutional knowledge to enable him to do justice to his party in the discussion of such a question as this if his case were a good one, or if it were susceptible of defence. But the hon. gentleman found himself compelled, as a member of a Cabinet very frequently does, to palliate mistakes for which he is not personally responsible, and which he sincerely condemns. He felt it his duty to defend his old friend, Mr. Letellier, in the unfortunate position in which he had placed himself, while it was also his duty to his own record and to the principles of constitutional government which we enjoy in this country not to commit himself by any strong, studied or extravagant defence of

*Hon. Mr. Miller.*

his late colleague. I listened, therefore, with a great deal of commiseration to the opening and closing remarks of my hon. friend, because of their necessarily contradictory character. He could not defend Mr. Letellier consistently with the principles he could abandon. My hon. friend commenced by giving a qualified assent to the resolution before the House, but ended by deprecating the course being pursued by the hon. leader of the Opposition. No better proof of the feeling of weakness—of conscious error under which the hon. gentleman clearly labored during the course of that short speech—was required than that my hon. friend could not deliver the few observations that fell from him without falling into the most absurd contradictions between the beginning and end of his remarks. He said at the outset that we had a perfect right to discuss this question in this branch of the Legislature, but he concluded by asserting that we ought not to do so, because we were not elected by the people, but [selected by the Crown; we could not be in sympathy with the people, and were not the best judges of popular rights; that because we were not directly responsible to the people it was unbecoming of us to discuss a constitutional question of this kind here. I contend that the judgment of an independent legislative body, nominated by the Crown, against a tyrannical exercise of the prerogatives of the Crown, should be considered a higher and more disinterested verdict in favor of popular liberty than the judgment of any body whose existence is dependent on the suffrages of the people. I would be astonished, under different circumstances, to hear my hon. friend, whose knowledge of constitutional usage is so extensive, utter such sentiments as he has expressed to-day in consequence of the unfortunate dilemma in which he finds himself placed, if he were free to give an unbiassed opinion. In my humble judgment, if there is a tribunal in this country before whom the discussion of such a question as is involved in the papers before the House is eminently proper, it is the Senate of Canada.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—If there is a body in this country whose especial and proper

duty it is to deal with questions of this kind, it is this branch of Parliament, and it is our duty, for obvious reasons, to record our condemnation of all violations of the Constitution. I know that we have been spoken of by violent partisans, whose unwise schemes we have often checked with the approval of the country, as a body without any responsibility, but those who have had occasion to feel and appreciate the correctness and weight of our decisions—our judicial decisions—on other matters, know full well that at the present moment the people of Canada look upon the Senate as a body eminently qualified to discuss this and every other question affecting the welfare of the country, and arrive at a wise and impartial conclusion.

Hon. Mr. MACFARLANE—Hear, hear.

Hon. Mr. MILLER—This is not a party question, and should be elevated far above the atmosphere of faction. It should be debated without party rancour, and without regard to personal predilection or antipathies. If we undertook to deal with it from purely factious motives; if with a desire merely to serve party purposes we brought this question here, there might be a serious charge of factiousness brought against this House. But when we are invited to this discussion not by any action of our own, not by our own mere wish and motion, but after the papers have been solemnly laid before us by the representative of our Sovereign, I say we should be derelict in our duty if we did not take some notice of them. If, under such circumstances, we failed to express our opinion upon such a grave constitutional question as has lately arisen in Quebec, our silence or indifference would be looked upon as condoning the unfortunate action of the Lieutenant-Governor, or might even be cited as approving it.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MILLER—I am sorry to find that amongst hon. gentlemen opposite there is a too evident desire on all occasions to limit the rights and privileges of this House.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MILLER—There is hardly a question of any importance brought be-

*Hon. Mr. Miller.*

fore this body, if discussed contrary to the views of hon. gentlemen opposite, in regard to which they do not raise a point as to the right or authority of our Senate to deal with it. Instances of this kind are so numerous that I need hardly waste the time of the House in enumerating them, but time and again the attempt has been made to limit the power of this House in its legislative capacity. We owe it to ourselves to rebuke every such attempt, and to mark with reprobation such endeavors as are inconsistent with the constitution and restrictive of the power of the Senate as an independent branch of the Parliament of Canada.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—The other day when we had the motion of my hon. friend from Toronto (Mr. Macpherson) before this House, an hon. Senator opposite rose in his seat and said the Senate of Canada was not the place to discuss questions affecting the finances of the country; that we had no Public Accounts Committee, and had no right to discuss questions affecting the public expenditure, or the taxation of the country. Although we have no right to initiate legislation involving money votes, still no man who understands the scope of our authority and our constitutional privileges, will deny us the right on every one of those questions to express an independent opinion. Then, on a previous occasion, with regard to an important question intimately relating to this House, when an attempt was made by the present Government to increase their support in this body by using the power intended by the British North America Act to be exercised under very different circumstances, and sending several partisans into this Chamber pledged to support the views of the Government, a matter on which no other body was so competent to express an opinion as ourselves, we had the extraordinary doctrine enunciated that this Senate should not undertake to pass judgment upon the conduct of the Government who had made that extraordinary application to the Crown.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MILLER—It is time we should hear the last of these attempts to restrict the privileges of this House; it

is time that hon. gentlemen opposite should learn that they do not elevate themselves, or improve their position before the country by endeavoring to deny us our undoubted constitutional rights. With regard to the question before the House, there are many grounds upon which we are more specially qualified to judge of it than any other body. By the constitution of this House the smaller provinces are so represented as to form a constitutional check on the larger provinces by having much larger numerical representation, according to their respective populations. For instance the large and powerful Province of Ontario, which is represented in the other House, on the basis of population, by eighty-eight has only twenty-four representatives in this Chamber—the same number as the Maritime Provinces who are represented in the House of Commons by forty members. The object of this arrangement was to secure the rights of the smaller provinces, and to guard those rights whenever they are threatened with injury by unconstitutional or tyrannical acts in any quarter.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MILLER—It is therefore the duty of this House when a question which affects the conditions of the federal compact as regards any particular province comes up, and which may at any moment affect any other province—it is for the representatives of the different Provinces in this House to see that no constitutional precedent is established in any one of the Provinces of the Union which at any moment may be quoted and urged against themselves.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—We have been told to-day that this question had been relegated to the electors; that the people of Quebec had been called upon to decide on the constitutionality of the action of the Lieutenant-Governor, and that it was indecent and improper that Parliament should interfere at this moment. I admit that, so far as the Province of Quebec is concerned, it has its own fate in its own hands, but we must not forget that if, through side issues being placed before the people, or if through party tactics or local jealousies, or from any other improper cause, the Province of Quebec

*Hon. Mr. Miller.*

should condone the despotic action of the Lieutenant-Governor, and should sustain the Ministry of Mr. Joly, unless we from the different Provinces protest against the result being established as a precedent against ourselves—we care not whether Quebec endorses that action or not—we want to insure ourselves against the application of such a precedent to the rest of the Dominion, should Quebec prove so unwise, and its electors so untrue to themselves as to ratify the greatest constitutional outrage, the most dangerous violation of the rights of Parliament, that the country has witnessed since responsible government was conceded to these Provinces.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—We will suppose that to-morrow a constitutional question, similar to that of the Province of Quebec, arises in any one of the Provinces of the Confederation, and it is approved not on its constitutional merits, but on local or sectional issues, are we to be told in that case the precedent established would not be dangerous to the rest of the Dominion? Any act or result affecting our constitutional system is an object of interest to the whole of the Provinces of the Dominion. If we desire not to be bound by bad precedents in Quebec or elsewhere, in the other Provinces we should place our opinions on record now against any such arbitrary or high-handed proceedings.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—If we allow Mr. Letellier to trample on the Constitution as Governor of Quebec without challenge and without animadversion, we may find that the precedent may be imitated in some of the other Provinces, and have an important influence on our constitutional usages, and on the rights and privileges of the people of this country, and in the end may be seriously detrimental to them. There cannot be a question, that since the Confederation of these Provinces, no subject of similar importance, from a constitutional point of view, has demanded the consideration of the people of Canada as that we are now called upon to discuss, and I feel, myself, in approaching it, all the trammels which one must feel who is called upon to deal with the action of a

gentleman like the present Lieutenant-Governor of Quebec with whom I have for many years sat on friendly terms in this House. During eight or nine years of my public life I had the honor and the pleasure of enjoying the personal intimacy of that hon. gentleman in the Senate, and on no occasion have we had any unpleasant personal differences. I therefore wish, in the discharge of my duty, I could see my way clear to sustain his recent action as Lieutenant-Governor of Quebec and not be called upon to condemn it, and place my protest on record against the proceedings which have taken place in that Province under Mr. Letellier's auspices. But in the discharge of our duty we must not allow private considerations to interfere, and while I still entertain for the Lieutenant-Governor of Quebec the greatest personal consideration, I feel that it should not prevent me from discharging the duty which I owe to the country. Before saying anything on the general principles involved in this discussion, I would remark to hon. gentlemen who represent the majority in the Province of Quebec, that if there is a province in this Dominion where it behoves the electors to look well to the constitutional principles under which we are governed, it is the Province of Quebec, and if there is one particular in which they should jealously guard and defend their rights more than any other it is in such an instance as the present. We all know that Quebec occupies a peculiar position in this Confederation, and we are all aware if we possess to-day the Federal system of Government it is due to that Province. We all know that in Quebec there exists a state of things that is not to be found in any other Province of Canada. We know that fine Province is inhabited by a people differing in many ways from the other inhabitants of the Confederation; with different languages, a different creed, different laws and different customs from those of the great majority of the people. We know that it was with the view to protecting their laws, their language and their institutions to which they are proudly attached, and for which their forefathers had fought and bled, that they entered the Union under the Federal system; and if there is any Province in this Dominion interested in retaining and vindicating the constitutional privileges

*Hon. Mr. Miller.*

which we enjoy under that system of Government it is the Province of Quebec. The people of Quebec fancy, and fancy rightly, that they possess a perfect protection under the Federal compact, for everything they hold dear and sacred, a protection which no force, no violence, or no authority can sweep away while the constitution is respected. While they possess a Local Legislature of their own, with independent functions, directly responsible to the people, and which are guaranteed to them under the Constitution, the people of Quebec, like the people of every other Province of the Dominion, will be perfectly safe in the possession of the privileges which the Constitution guarantees to them. But if it is to be established as a precedent that a Government, sitting at Ottawa, composed of a majority representing the other nationalities of the Dominion, and hostile to the national sentiment and institutions of Quebec—and it is quite possible that such a state of things at some time should exist—the consequence may be that a Central Government, which would be unfriendly to the language, creed, laws, and the institutions, to which the people of Quebec still fondly adhere, could send an arbitrary and tyrannical Lieutenant-Governor to administer the affairs of that Province, who might, by one sweep of his pen—by one tyrannical abuse of his powers—subvert their laws, trample on their rights, and set aside the will of the people, as represented by both branches of the Legislature.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—What do we find now? Here is a Government which, in the popular branch, was condemned by a vote of two to one; a Government also in even a smaller minority in the upper branch of the Legislature, foisted on the country, and placed in control of the public patronage even after the people of Quebec had condemned them by the voice of their representatives in both branches of the Legislature.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—What has occurred the other day may occur again at any time, or in any other Province of the Dominion. It would only require the exercise of the authority of the Central Government to send into a Province an

arbitrary Lieutenant-Governor, charged to carry out the will of the Federal authority, in order to sweep away for a time, and perhaps seriously cripple forever, the rights and privileges of a Local Legislature, whilst carrying out the designs of the Central Government.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—This is no imaginary picture. It is the state of things that now exists in the Province of Quebec. The Province of Quebec is not likely to vote confidence at the coming elections in the present Ministry, and if it were not that the necessities of the public service will compel the Lieutenant-Governor to call the new Parliament together before the first of July, that Ministry might retain their offices without the confidence of the people, until the next annual meeting of the Legislature. During all this time the Province would be governed by a Ministry who have not, and never had the confidence of the electors; a Ministry whom the people's delegates had declared to be devoid of their confidence in the slightest degree, but who were placed in power, and might be kept there a whole year by the mere will of one man.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—It has been said that the time will shortly come when the people will have an opportunity of expressing their opinion at the polls, and although their constitutional rights may be in abeyance for a short period, and they may be governed by an usurped authority, the people will have an opportunity to deal with the Government at the polls. But I say, even admitting that to be the case, it is well-known that a very short time is sufficient to enable a tyrannical Lieutenant-Governor and an unscrupulous Ministry, acting under the influence of the Central Authority, to interfere with and destroy the rights and privileges of the people. No matter how short the time may be, an incurable mischief may be done. Therefore, it is necessary that on this first occasion that has occurred since Confederation, the Parliament of this country should use no uncertain tone in expressing its condemnation of

*Hon. Mr. Miller.*

the unfortunate action of the Lieutenant-Governor of Quebec.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—We know that at the time the crisis took place in the Province of Quebec, the Legislature there had nearly performed the functions for which they had been called together. The business of the country had been nearly got through with, and nothing, almost, remained but the last reading of the Supply Bill. Some go so far as to say that it was intended before the last blow was given that decapitated the Ministry, that the public business was to have been completed with the exception of the sanctioning of the legislation of the Session by the Lieutenant-Governor, and then that the whole policy of the Lieutenant-Governor would be to establish the new Government so as to be able to control the patronage of the Province for the ensuing year, and act in consort with the Dominion Government in an attempt to influence the general elections.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—It cannot be denied, that if this scheme had been successful, and that even for the short time an illegal Government might be permitted to reign, they might, through the influence which they could bring to bear by the possession of office, in conjunction with the central Government, be able to exercise an overwhelming control over the general elections, and perhaps in that way retain in power a government which would otherwise have been condemned by the people. We all recollect something of the fight for responsible government in this country; of the misrule of those British North American Provinces under the old regime, that caused such a chronic state of dissatisfaction as threatened for a time their severance from the Crown. We all know that it was to avoid any such unfortunate occurrence, and to guarantee to each Province the free and absolute control of their own affairs by the people that we at last secured the great boon of responsible government, under which we are allowed to govern ourselves as we think best.

Before the establishment of the Confederation that system had been worked out satisfactorily; in case of any dispute, or of any improper exercise of authority by any of the Legislatures of the different Provinces, or by the representatives of the Crown, we had recourse to the fountain head of constitutional authority in England, and we all know how the two great political parties in the Imperial Parliament, by their respective representatives in the Colonial Office invariably held the scales justly, and maintained and vindicated the principles of responsible government amidst the heat and clash of contending factions.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MILLER—If we were not now a confederated Dominion; if the old state of affairs existed in the Province of Quebec, or in any other Province of the Dominion, and such a thing had occurred as we see to-day in Quebec, I ask this House, and the people of Canada, if it were brought before the Imperial Parliament and the Imperial Government, what would be the verdict of the people of England with regard to it? Can there be any doubt that it would have met with universal condemnation? We know there has not been an instance of the exercise of the power which has been, I might almost say, usurped by the Lieutenant-Governor of Quebec in the annals of British history for nearly half a century—not during my lifetime at least. In the last forty-four years there has not been a single instance in England of the exercise of the prerogative of the Crown in the manner in which the Lieutenant-Governor of Quebec has claimed to exercise it, by dismissing a Ministry who had the confidence of a large majority in Parliament. The last instance we have on record of the dismissal of a Ministry by the Crown was in 1834, and that is a precedent which is pointed out, not to be imitated, but to be avoided.

Hon. Mr. AIKINS—Hear, hear.

Hon. Mr. MILLER—We had one or two incidents of the kind in the reign of George III., but we do not to-day go to the life-time of George III. or William IV. to cite the tyrannical acts of those monarchs as constitutional precedents which we at the present time deem worthy of respect. So that the Lieutenant-Gov-

*Hon. Mr. Miller.*

ernor of Quebec in dismissing his Ministry while they possessed the entire confidence of a large majority in both Houses, has dared to do what the direct representative of the Crown in this country, with British precedents before him, would never have dreamed of doing, and which Her Majesty herself would not at the present day venture to attempt. So little danger is there of any violent or unconstitutional exercise in Great Britain of the prerogative of the Crown, in our times, that the eminent authority who has been cited here by the hon. Leader of the Opposition says, if such a thing were attempted in England by the Queen, the people would be as much astonished as if a volcano had burst forth at Primrose Hill. And has it come to this that the rights and privileges which were guaranteed us under the Constitution, are to be swept away by a Lieutenant-Governor in any of the Provinces of this Dominion, by such an exercise of the prerogative of the Crown, that the Crown or her direct representative would not venture to resort to? When I hear hon. gentlemen cite as precedents in this debate what took place in Australia, in Nova Scotia, New Brunswick, and in South Africa, I am surprised that they should look for precedents on such a subject, to such comparatively young countries, where constitutional government and practice cannot be expected to be as well understood as it is in the Mother Country. A good deal has been said elsewhere with regard to the prerogative of the Crown as wielded by the Lieutenant-Governor, in contradistinction to the prerogative exercised by the Sovereign herself, or her direct representative. While I think an argument might fairly be maintained as to whether the Lieutenant-Governor of any one of our Provinces possesses the right to exercise the royal prerogative, to the same extent as the Queen or her direct representative, I do not think it is necessary, on the present occasion, to enter into a discussion on that subject. While I do not, however, admit that the prerogative power of the Lieutenant-Governor is at all to be measured by the prerogative of power of the Crown, I say, for purposes of discussion in this case, those who are defending the constitutional rights and privileges of the people of Quebec are under no necessity for entering into any fine-spun theory

on that point. Admitting for the moment that the Lieutenant-Governor of a province has all the prerogative power of the Crown, it is not contended that there is any instance within the last 44 years in Great Britain, in which we have witnessed such an exercise of that power as we have seen in Quebec during the past few weeks. Is not that a strong argument against the arbitrary conduct of Mr. Letellier? The hon. Secretary of State, in addressing the House, quoted from the British North America Act, and said it was a strange fact that this prerogative of the Crown had been vested in the Lieutenant-Governors of Ontario and Quebec by the terms of that Act, which was not the case with the other Provinces of the Dominion; but the hon. gentleman overlooked the cause which is, on the face of it, very simple. We all know that at the date of Confederation, Ontario and Quebec formed the old Province of Canada, and it was necessary in separating them into distinct provinces, to provide for them separate Governments. It was to effect this purpose that the clause quoted by the hon. Secretary of State was inserted in the Union Act, and not with the view of giving to the Lieutenant-Governors of the new Provinces any rights or powers not possessed, or intended afterwards to be possessed by the Lieutenant-Governors of the other Provinces of the Dominion. The hon. gentleman showed how hard run he was to find an excuse for the Lieutenant-Governor of Quebec when he resorted to so untenable a construction of the British North America Act. In regard to the Provinces of Nova Scotia and New Brunswick the same thing was not done, because we already possessed our separate legislatures, and there was no necessity to make any special provision for working out the principles of responsible government in relation to the Provincial Legislatures. If the argument of the hon. Secretary of State on this point meant anything, it meant that the Lieutenant-Governors of Ontario and Quebec possessed more absolute and unrestricted powers in regard to the exercise of the prerogatives of the Crown, than Nova Scotia or New Brunswick, in consequence of the special provision of the Union Act which he quoted, which would be a contention too absurd to be seriously argued, and which no one except himself has ever ventured to assert. In the dis-

*Hon. Mr. Miller.*

cussions that have taken place on this subject in Parliament and in the press, no one has denied, and no one among the friends of responsible government has thought of denying, that the Crown possesses the abstract constitutional right, in certain cases defined by usage, to dismiss its Ministers. The circumstances, however, that would justify this extreme exercise of the prerogative, can rarely occur at the present day, and have not occurred in England for nearly half a century, and within no similar period of Imperial history have constitutional principles been more correctly developed and understood. If we desire to obtain a sound knowledge of those principles, we must look for it, not to times when the influence of any particular branch of Parliament was predominant, but to that period of our history that has seen the fairest illustration of constitutional principles. We all know that the power of the Crown in the present day is not what it was in the reign of George III., although the change is marked by no law on our Statute Book—but it is marked by an equally binding authority. Usage has given a well defined meaning to many of the prerogative of the Crown, which is as obligatory as the written law. The exercise of the royal prerogative must be governed by the spirit, and usage of the constitution. The Sovereign has the power to do some things, the actual doing of which would be not only unconstitutional, but might cost him his crown. The King of England who would undertake to govern his subjects by the strict letter of the law and the constitution, without regard to their spirit and usage, would not long occupy the throne. If, at this day in England, a Sovereign even as beloved by her subjects as our Gracious Queen, were to claim the arbitrary right to exercise the royal prerogative in the dismissal of her Ministers under such circumstances as Mr. Letellier has done in the Province of Quebec, or should put forward the pretensions of that gentleman in another respect, and claim the right to control and inspire the whole legislation of Parliament, how would such unconstitutional pretensions be met by the people in that country? Would such a thing be possible in England at the present time? There can be but one answer to such a question. Would the Queen dismiss a Ministry with a large majority

at its back in the House of Commons? The constitutional usage which secures to a Government the confidence of the Sovereign, which has the confidence of the peoples' representatives, is too well understood and respected. If the Lieutenant-Governor of Quebec had believed that his Ministers—I do not intend to examine at any length his reasons for dismissing the Ministry—did not possess the confidence of the people of Quebec, his clear course was to tell them so, and let them go to the electors in order to test that question. He had a right to claim that discretion as within his prerogative, and if they declined to coincide in that decision then they should have resigned. That would have been an extreme step considering their majority in Parliament, but I am afraid he did not desire or intend to give them that fair and manly consideration to which they were entitled. When I revert to the papers which have been placed on the table of this House; when I look at the case made by the Lieutenant-Governor, and the answer given to that case by the late Premier of the Province of Quebec, I am struck with its extraordinary character. My hon. friend, the leader of the Opposition, went over many of the grounds upon which the Lieutenant-Governor of Quebec attempted to build up a case which would justify him in his treatment of his Ministers, and exposed their absurdity and want of candour. I am sure hon. gentlemen who listened to him must have been satisfied that not one of them was a sound constitutional reason for the arbitrary action of His Honor. I shall not say that the Lieutenant-Governor purposely set a snare to catch his Ministers; but I do allege that the reasons he gave for his course, and his manner of giving them, go far to show his intention from the first hour he became Lieutenant-Governor of Quebec was to undermine his Conservative Cabinet and place the government of the country in the hands of their opponents. If it were otherwise we would have had something stronger and more convincing than the flimsy argument which that hon. gentleman has presented as his explanatory case. The hon. leader of the Opposition spoke of some of the cases on which the Lieutenant-Governor justified his withdrawal of confidence from his Ministers, but I am sure not one of those cases furnishes any justifi-

*Hon. Mr. Miller.*

cation in the eyes of gentlemen who are disposed to view the question dispassionately. I shall not refer to instances cited by my hon. friend, but there are two or three cases in the argument of the Lieutenant-Governor to which he did not refer, and which I may now mention. One is, that the Ministry had actually called Parliament together without the consent of the Lieutenant-Governor; another, that they had put his name to a proclamation ordering a day of thanksgiving without his knowledge or consent. Those two cases, as related by Mr. Letellier, would appear to be very serious, and I was surprised they should have escaped the notice of my hon. friend (Mr. Campbell) in his able address this afternoon. But what are the facts in regard to them? It turns out the Ministers did not call Parliament together without the sanction of the Lieutenant-Governor. A proclamation, it seems, for which His Honor had signed an Order-in-Council, did appear in the *Gazette*, although the proclamation itself may not have been regularly signed, but it was the usual formal notice proroguing Parliament from time to time. When the proclamation calling Parliament together was published, it was signed by the Lieutenant-Governor. We have that fact vouched for by the late Premier of Quebec and placed on our table in an official paper. If that be true, the Lieutenant-Governor of Quebec is placed in a most lamentable position. If it was his intention to make the country believe that the Ministry had taken the liberty with his name of calling Parliament together without his knowledge, I ask the House if it is not fair to look with a good deal of suspicion upon the candour of the whole statement when such disingenuousness characterizes a portion of it. I am sorry to say the other case is equally disingenuous and unfortunate for the Lieutenant-Governor. In regard to the proclamation for a general thanksgiving, we also have it in the clear and emphatic language of the late Prime Minister of Quebec, that it was issued under the following circumstances: A day of general thanksgiving was being arranged for by the various Provinces of the Dominion, and the Premier of Canada, the Hon. Mr. Mackenzie, in a despatch to Mr. Letellier, called upon the Government of the Province to join in that laudable purpose. The subject was submitted to the

Council with the strong recommendation of His Honor, and an order was passed, signed by the Lieutenant-Governor himself. The despatch from the Federal Government to the Lieutenant-Governor of Quebec had previously been placed in the hands of Mr. DeBoucherville by Mr. Letellier, with a request that he would carry out its object; and still, although the proclamation was issued in conformity with such request, and the views he himself had urged, His Honor placed that action in his explanatory case as one of the reasons for dismissing the Ministry, that they had invaded the prerogative of the Crown by issuing that proclamation without his knowledge or authority. It is unfortunate, with these things on record, to be driven to entertain the opinion, which it is inevitable we must entertain, as to the want of ingenuousness of the Lieutenant-Governor of Quebec, from these delusive representations of the facts. I do not intend to take up the papers and go through the whole case, which presents other features of an extraordinary nature, which have already been commented on by the leader of the Opposition. It is evident to everyone who reads those papers, that the Lieutenant-Governor assumed the government of his Province, not for the purpose of carrying out the wishes of the people, as expressed by the two branches of the Legislature, but determined to force his opinions upon his constitutional advisers—that he should rule and they should be mere registers of his policy and decisions. It is palpable, from the whole of the papers laid before this House, and the discussions here and elsewhere on the question, that the conduct of the Lieutenant-Governor from beginning to end was hostile, and not in good faith to his Ministers; that it was his intention from the outset to carry out his own policy, and not to help them to carry out the policy for which they were responsible to the people, and which they believed was best for the country. I do not go so far as to say that he was acting in collusion with the Central Government in this course. But it is an extraordinary fact that this procedure should be entered upon just on the eve of a general election, and it is an extraordinary thing that this high-handed act, with a view to securing control of the Government of

*Hon. Mr. Miller.*

Quebec, should have been attempted at a time when, if successful, it would contribute materially to the success of the Dominion Government in the coming elections. It is unfortunate, because it will compel people to draw the conclusion that it was done with some such object, and it is a lamentable episode in the history of this country that we have to contemplate the action of so high an officer in that unfavorable light. I feel that, if it were wise to go thoroughly into particulars, I might detain the House at greater length in severe criticisms of the many peculiar features of this explanatory case. I believe, however, it is the desire of other gentlemen to address the House on this subject, and take a division upon it to-night; but I would feel recreant to my duty if, with the papers submitted to this Parliament, and the dangerous precedent that would be established by the unconstitutional conduct of the Lieutenant-Governor of Quebec, if this House did not, by an expression of its opinions, and by recording its solemn vote on this question, do what they could to vindicate the rights and privileges of the people, and guard those constitutional principles of government under which it is our happiness to live, and on which their liberties rest.

Hon. Mr. HAYTHORNE—It is with much reluctance that I rise to address the House on this occasion, partly because my personal experience of Canadian politics is limited to a few years, also because an amendment to the resolution moved by the hon. gentleman from Kingston has been placed in my hands, which I feel might more properly have been committed to some hon. gentleman who could speak of the leading events in Canadian history from his own personal recollections; and that I cannot pretend to do. But, though my experience of Canadian history is thus limited, I am not altogether devoid of experience in the Province with which I am connected, having there served under three Lieutenant-Governors appointed by the Crown, in the capacity of Executive Councillor or leader of a Government. Thus, though my experience is not of that extended character possessed by some hon. gentlemen here, yet I am not altogether without it. There is one circumstance on which, I think, I may congratulate the House,

and that is the exceedingly moderate tone in which the hon. gentlemen opposite have addressed the House on this question. Both the hon. Senator from Kingston and the hon. Senator from Richmond, apparently feel very strongly on this question, and both of them treated it in remarkably moderate terms. This, I think, is a pleasing feature of the case, and it leads me to hope that even yet, the hon. gentleman, and those who co-operate with him, may think fit, in their discussion, to abstain from testing the opinion of this House upon so important a question as that which is now pending in the adjoining Province, and upon which the people of that Province are about to exercise their constitutional privilege. It would be far better, in my opinion, that this House should abstain from expressing an opinion on the course pursued by the Lieutenant-Governor of Quebec, and therefore, I will only move the amendment which I have before me, in case hon. gentlemen opposite persist in taking a vote upon their resolution. I think that the question before us is one of most extraordinary interest. I, myself, coincide with the views I have read, as expressed by a gentleman who was at one time a colleague of the hon. Senator from Kingston, and subsequently Governor of a Province—a man whose memory is even now regarded in the Lower Provinces with reverence, and whose abilities are held in high estimation—the Hon. Joseph Howe.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HAYTHORNE—That gentleman, I remember, on one occasion expressed the opinion, which I repeat tonight, that the British Constitution was one of recent development; that, in fact, it dated from the period of the Reform Bill of 1832. What perhaps induced Mr. Howe to come to that conclusion may have been the extraordinary character of the House of Commons up to the time of the passage of the first Reform Bill. I could scarcely credit, when in the course of obtaining information on this question, which we are now debating, I came across this passage in May's Constitutional History, describing the composition of the British House of Commons at various periods during the one hundred years pre-

Hon. Mr. Haythorne.

ceding the Reform Bill. Speaking of the large majority of that body, who, at that period, were nominated directly or indirectly, yet returned by the people, and the comparatively small number of electors who actually did return the men of their choice, he says:—

“According to a statement made by the Duke of Richmond, in 1780, not more than 6,000 men returned a clear majority of the House of Commons. It was alleged in the petition of the friends of the people, presented by Earl Grey, in 1793, that 84 individuals absolutely returned 157 members to Parliament, and that, in this manner, 357 members—being the majority of the House before the union with Ireland—were returned to Parliament by 154 patrons, of whom 40 were Peers. In 1821, Mr. Lambton stated that he was prepared to prove at the bar of the House of Commons that 180 individuals returned, by nomination or otherwise, 350 members.”

I think, probably, the knowledge of facts such as these assisted the hon. Mr. Howe to come to the conclusion to which I have alluded, that actual responsible parliamentary government dated in England from a period subsequent to the Reform Bill. But, although such may be the case, it does not follow from it that the experience of our forefathers is to go for nothing. I conceive the study of history commencing with the reign of George the Third, and down to the present time, affords many apt illustrations of the position in which we find the Lieutenant-Governor of Quebec, his Ministry and Parliament to-day, and, with the leave of the House, I shall take the opportunity of quoting some passages in support of this argument. I find, for example, in May's work upon Constitutional Government, no less than three distinct occasions during the reign of George the Third, within a period of twenty years, in which he reiterates in the same strong, forcible language, a doctrine which bears on the recent position of affairs in the Province of Quebec. First, in a general review of the political affairs at the commencement of the reign of George the Third, he speaks as follows:—

“A Constitutional Government ensures to the King a wide authority in all the Councils of the State. He chooses and dismisses his Ministers; and this, if it be his pleasure, without the advice of any Councillor. Their resolutions upon every important measure of foreign and domestic policy are sub-

mitted to his approval; and when that approval is withheld, his Ministers must either abandon their policy or resign their offices. They are responsible to the King, on the one hand, and to Parliament on the other; and while they retain the confidence of the King, by administering affairs to his satisfaction, they must act upon principles and propose measures which they can justify to Parliament. As he governs by responsible Ministers, he must recognize their responsibilities. They are not his Ministers only, but also the public servants of a free country."

I think in those few lines you find several of the principles which have been debated so warmly in this House laid down at a period when constitutional history was still in its infancy, when our ancestors were struggling to obtain parliamentary, or as we term it, responsible government. I find pretty nearly the same words used again on an occasion of a very different kind—when it was the object of Parliament to prevent a dissolution. Referring to that occasion on the 19th December, 1783, the following are the words used by Sir Erskine May;—

"Secure of their present majority, the first object of the Opposition was to prevent a dissolution, which they believed to be impending. They could withhold the supplies, and press the King with representations against his Ministers. His Majesty had the unquestioned prerogatives of appointing his own constitutional advisers, and dissolving Parliament. The last appeal of both was to the people; and this appeal the Commons sought to deny the King. The day after the dismissal of the late Ministers, the Opposition insisted on the postponement of the third reading of the Land Tax Bill for two days, in order, as Mr. Fox said, that it might not go out of their hands until they should have taken such measures as would guard against the evils that might be expected from a dissolution."

Once more, at a later period, when Mr. Pitt's Government came into power, we find Sir Erskine May using pretty nearly the identical terms that I have quoted. Now, all this experience gained by our forefathers, and struggled for with such intense earnestness and ability, was not altogether wasted. The result became apparent at a far more recent period, in a struggle of less magnitude than those which occurred in the reign of George the Third. We find, in the reign of William the Fourth, a Parliamentary crisis occurring at the time Lord Melbourne was Premier. Lord Althorp had been Chancellor of the Exchequer, and leader of the

*Hon. Mr. Haythorne.*

House of Commons. The death of his father, Earl Spencer, caused his elevation to the Upper House, and the King took that opportunity to dismiss his Ministers. I come now to a period within the recollection of, I dare say, many hon. gentlemen sitting in this House. I, myself, have a distinct recollection of the events to which I am now about to refer. May describes very concisely what occurred, in these words:—

"In October, 1834, the death of Earl Spencer having removed his son, Lord Althorp, from the Leadership of the House of Commons, and from his office of Chancellor of the Exchequer, the King seized this opportunity for suddenly dismissing his Ministers; and proceeded to consult the Duke of Wellington upon the formation of a Government from the opposite party. Lord Althorp's elevation to the House of Lords rendered necessary a partial reconstruction of the Ministry; but, assuredly, that circumstance alone would not have suggested the propriety of taking counsel with those who constituted but a small minority of the House of Commons. Lord Melbourne (the Premier) proposed to supply the place of Lord Althorp by Lord John Russell—a far abler man—but the King was determined that the Ministry should be dissolved. All the accustomed grounds for dismissing a Ministry were wanting. There was no immediate difference of opinion between them and the King upon any measure or question of public policy; there was no disunion among themselves, nor were there any indications that they had lost the confidence of Parliament. But the accidental removal of a single Minister—not necessarily from the Government, but only from one House of Parliament to the other—was made the occasion for dismissing the entire Administration. It is true that the King viewed with apprehension the policy of his Ministers in regard to the Irish Church, but his assent was not then required to any specific measure of which he disapproved, nor was this the ground assigned for his dismissal. The right of the King to dismiss his Ministers was unquestionable, but constitutional usage has prescribed certain conditions under which this right should be exercised."

A little later on we find responsible government practised in a manner more consonant with our ideas, more as it exists in the colonies at the present day. We find it in the case of Lord Palmerston, which appears to me more opposite than any which have been cited. Reference has been made by the hon. Senator from Kingston to the dismissal of Lord Palmerston, but at the same time he appeared to have missed a very important point—it seems to me the most important of the whole. The dismissal is of comparatively small importance compared with the prin-

ple established in constitutional government. That was laid down in the memorandum addressed by Lord John Russell, at the Queen's command, to Lord Palmerston. It is as follows in May's pages:—

"In 1851 an incident occurred which illustrates the relation of Ministers to the Crown, the discretion vested in them, and the circumstances under which the pleasure of the Sovereign is to be signified concerning acts of the Executive Government. To all important acts by which the Crown becomes committed, it has been generally acknowledged that the sanction of the Crown must be previously signified. And in 1850 Her Majesty communicated to Lord Palmerston—the Secretary of State for Foreign affairs—through Lord John Russell her first Minister—a memorandum giving specific directions as to the transaction of business between the Crown and the Secretary of State. It was in these words. 'The Queen requires, first that Lord Palmerston will distinctly state what he proposes to do in a given case, in order that the Queen may know as distinctly to what She is giving her Royal sanction. Secondly, having once given her sanction to a measure, that it be not arbitrarily altered or modified by the Minister. Such an act She must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of her constitutional rights of dismissing that Minister. She expects to be kept informed of what passes between him and the foreign Ministers before important decisions are taken, based upon that intercourse, to receive the foreign despatches in good time, and to have the drafts for her approval, sent to her in sufficient time to make herself acquainted with their contents before they must be sent off.'

There is the same principle which has entered into the difference between the Lieutenant-Governor of Quebec and his Ministers. Hon. gentlemen will see this quotation seems to afford a sufficient apology, if indeed an apology were necessary, for the conduct of Governor Letellier in dismissing his Ministry.

Hon. Mr. HOPE—Hear, Hear.

Hon. Mr. HAYTHORNE—Some importance has been attached by some of the hon. gentlemen who preceded me in this debate, to the question of submitting bills to the Lieutenant-Governors of the Provinces and the Governor-General of this Dominion, and some hon. gentlemen who have served in the capacity of Ministers of the Crown, have given their experiences. Now, I think this is a matter to be deprecated, inasmuch as it is hard to name distinct instances in which difficulties have occurred between the Governors under whom they may have

Hon. Mr. Haythorne.

served, and themselves; and it must be most invidious, and I think it improper also for any hon. gentleman who has served in the capacity of a Cabinet Minister, to divulge any instance of a difficulty which had occurred between himself and a governor. Having served in the capacity of an Executive Councillor and as Premier in my own Province, I might quote instances of the kind, but I think it would not be proper to do so. The Governors under whom we may have served, may be deceased, or absent in a distant quarter of the world: at all events, such experience must be given as that of an individual, whose opinions may be so colored that he could not give an adequate idea of the transaction; and, therefore, I suggest no argument should be founded on instances which have occurred either in the Privy Council of the Dominion or the Executive Councils of any of the Provinces. I think we should avoid that course in this House. Some hon. gentlemen referred, though briefly, to the occurrences which have lately transpired at the Cape of Good Hope, where it appears that the Governor, a gentleman of large experience and high political standing, has pursued a course precisely similar to that adopted by the Lieutenant-Governor of Quebec—I allude to Sir Bartle Frere, the Governor of the Colony of the Cape of Good Hope. It appears that a dangerous incursion of armed natives was being made into the boundaries of that Colony—that actual war had been waged there—and the Governor differed from his Ministers as to the expediency of allowing them to nominate the officer who was to hold the command of the forces of the Colony, independently of the commander of the Queen's troops. The Governor considered that the whole of the forces—Imperial and Colonial—should be under one leader, and his advisers thought differently. The Governor took upon himself to exercise his prerogative, and when they refused to concur in his views he dismissed them. That seems to me a precedent for the action of the Lieutenant-Governor of Quebec. It has been said that Colonial Secretaries have, in former times, laid down distinctly the ground on which a Governor may or may not act. I deprecate submitting implicitly to the dictates of any Colonial Secretary.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. HAYTHORNE—I contend that this Parliament, and our Governor and Lieutenant-Governors, our Provincial Parliaments and our people ought to possess, and do possess all the liberties, rights and privileges which the people of Great Britain enjoy. If it were otherwise, I should like to have pointed out to us in this House in what respect our liberties are less than those of the people of Great Britain, so that we can contend against any such imaginary inferiority. Our Governor and our Lieutenant-Governors possess the same privilege of dismissing Ministers and dissolving Parliament as the Sovereign, and though it is not often found necessary that the Crown, or its representative, should exercise these prerogatives, it is not the less certain that they exist. It is impossible for any Colonial Secretary to define, with anything approaching precision, and to provide for all the contingencies that may occur in the vicissitudes of Colonial life, and if he could, it would be highly inexpedient that he should do so, for it would jeopardize our liberties and privileges. There is one view of the case which I think may be put before the House. Suppose we were simply to reverse the case; suppose circumstances had occurred in the Province of Quebec, to which the attention of this House was unexpectedly drawn, without any action being taken on the part of either the Lieutenant-Governor, or the Parliament of Quebec; suppose this House had thought proper to interfere with the domestic affairs of that Province. I would like to ask hon. gentlemen what would be the feeling of the people of Quebec, if this House passed resolutions of any kind with reference to their internal affairs? I am sure they would ignore any action taken by the Parliament of the Dominion, which would have the effect of interfering with their rights and privileges, especially if they were as they are now, on the eve of a general election, when the duty of deciding themselves on the question was before them, and they were about to discharge that duty.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. HAYTHORNE—I am rather disposed to agree with some points which were laid down by my hon. friend from Richmond. For instance, when he

*Hon. Mr. Haythorne.*

says that this Senate of Canada is a very suitable body to take cognizance of occurrences of every kind which crop up to the surface of our political history, and I only wish that we could say with truth that this body, on such occasions as the present one, and on such occasions as my hon. friend has suggested, could divest themselves of all party feeling, and enter upon the discussions on their merits. I admit if we could do so we would be a very proper body to discuss such matters. Unfortunately, I fear party feeling does prevail among us. I fear party feeling is a term hardly strong enough to express the spirit pervading this body—a stronger term would be unparliamentary—and therefore, I leave it to the imaginations of hon. gentlemen to supply the deficiency. I believe, if this Senate could divest itself of party feeling, and exercise its large experience, and enquire into those contingencies of political life which must occur in our national history from time to time, it would be wise and proper for us to do so in a moderate and temperate spirit. But, although it may be said it would be desirable, under favorable circumstances, to discuss such questions, I doubt the expediency of doing so now, in this instance, when elections are pending in the Province of Quebec. I can easily understand, although the electors in some sections of Quebec might desire to hear the opinion of this Parliament expressed in their favor, a large majority would look upon such interference as unconstitutional and unnecessary under the circumstances, and therefore I think it would be wise to abstain from such interference. I do hope hon. gentlemen opposite, who have seen fit, in the performance of their duty, to bring forward this subject for discussion, will abstain from pressing their motion to a division. Just suppose, if it were possible, that in the Province of Quebec at this time no such authority as that which has been exercised by Mr. Letellier existed, that it was doubtful whether the Lieutenant-Governor had such authority. I contend that would be a most disastrous thing under the circumstances for the Province. Quebec was very much in the position that the Cape of Good Hope stood in when Sir Bartle Frere dismissed the Ministry of that colony. The danger, it is true, was

of a different kind. The danger that threatened the Cape of Good Hope was an irruption of savage warriors, not without warlike experience, well armed, fearless of danger, and overpowering in numbers. Now, what was the position of Quebec? The danger in that Province was one which hangs over nations far more advanced in civilization than was the Cape of Good Hope. It was a financial danger, a danger most imminent, which threatened the City of Montreal and the whole Province.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. HAYTHORNE—Now, that danger, if it had not been diverted by the prompt action of Governor Letellier, might have placed the Province of Quebec upon the brink of ruin.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. HAYTHORNE—No hand could have been stretched out to save her. She must have fallen into the abyss, and if she had not perished there, she would have come out badly scathed.

Hon. Mr. TRUDEL—Will the hon. gentleman explain in what respect that comparison is correct?

Hon. Mr. HAYTHORNE—I have explained. There was a danger of a great financial crisis. The hon. gentleman (Mr. Trudel) is still a young man, and he may yet live to see a financial crisis occur. If the Lieutenant-Governor had not exercised his prerogative, the Province of Quebec stood on the brink of a great danger, and no other hand could have saved her. Supposing Mr. Letellier had shrunk from exercising his prerogative, and allowed the late Ministry of Quebec to carry out their financial programme to the bitter end, what would be the result hereafter? Supposing it were found that by the exercise of this prerogative, by the dismissal of a Ministry, and the subsequent dissolution of a Parliament the danger might have been averted—what would have been felt by every one interested in the progress and welfare of that great Province if Governor Letellier had shrunk from the responsibility of exercising the prerogative connected with his office, and had thus failed to save the Province placed under him as Governor? I hold Mr. Letellier to be a courageous and a sagacious man,

*Hon. Mr. Haythorne.*

and I take it that in the exercise of his prerogative he has shown a wise discretion, for which he is entitled, not to the censure of this House, but to its praise.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. HAYTHORNE—I will at present abstain from moving any resolution in amendment, although I reserve to myself the right of doing so in case the hon. Senator from Kingston should persist in moving his resolution, which I hope he will not.

Hon. Mr. CAMPBELL—I propose to insist upon moving it.

Hon. Mr. HAYTHORNE—Then I reserve to myself the right to move the amendment which I have before me.

Hon. Mr. ALLAN—I must congratulate the hon. Secretary of State upon the ingenious device he has hit upon, for getting rid of the motion of the hon. Senator from Kingston. He has felt, no doubt, as the members of the Administration and their supporters in another place have felt, that there was no answering the propositions contained either in the resolution now before the Senate, or in the resolution introduced by the leader of the Opposition in the other House, and that a very large number of the supporters of the Government, if the question is put squarely before them, will be exceedingly embarrassed at having worked against the motion now before the House. He has therefore hit upon the plan of getting the hon. Senator from Prince Edward Island, after having duly instructed us with a long list of authorities and precedents, to wind up with a resolution which will enable the followers of the Government to get out of this difficulty.

Hon. Mr. SCOTT—No, no.

Hon. Mr. AIKINS—He says the resolution was placed in his hands.

Hon. Mr. ALLAN—The hon. Senator assailed us with a long list of quotations and authorities. It may have been exceedingly crass on my part, but I must confess I could not make out that they were in any way apropos to the case before us, and so far as the example he brought up twice at the close of his speech, of the course taken by Sir Bartle Frere at the Cape of Good Hope, it seemed to me perfectly ludicrous to institute a comparison between the state of that Colony and

the Province of Quebec. Why the hon. gentleman justified Sir Bartle Frere's course, on the ground that the frontiers of the Colony were swarming with savage foes who threatened to exterminate every white man. Surely he is not serious in comparing this with the state of things existing in Quebec, which he thinks justified the *coup d'etat* Mr. Letellier has been guilty of! What is the whole gist of the argument of my hon. friend the Secretary of State, re-echoed by the hon. Senator from Prince Edward Island, but simply this? "We are bound to admit there is no getting over the fact that in the very words of the resolution, the course adopted by Mr. Letellier was at variance with the constitutional principles on which responsible government should be conducted, but we think it is a very inappropriate time to bring forward this motion; we think the Senate will be really guilty of partizan conduct if they pronounce upon an issue of this kind, in view of the approaching elections in Quebec." Well, is it the fault of this Senate that we are called upon now to express this opinion? I confess I regret that such an expression of opinion is required from us at this time; but here are certain messages and certain communications laid before us by His Excellency the Governor-General. What course is the House to take in respect to them? Could we ignore them? If we do, what construction would be put upon it? Let hon. gentlemen opposite who think that we on this side of the House are incapable of acting except from partizan motives, put to themselves this question—these messages having been brought down, if no notice were taken of them by this House, would it not be a fair inference to be drawn by the people of Quebec, who, they imagine, will be so much influenced by our opinion, that either we consider that no such interference had taken place with the constitutional principles upon which responsible Government should be conducted; or, that in this House we were perfectly indifferent to any considerations of the kind? Is that a position in which the Senate should be placed before the country? I contend that we have no option but to deal with the subject matter of these messages, and I apprehend there could be no more proper tribunal to deal with

Hon. Mr. Allan.

the information conveyed in them, than the Senate of Canada. I do not think there was anything in the whole course of the speech of my hon. friend from Kingston, or my hon. friend from Arichat, to justify the assertion on the part of hon. gentlemen opposite, that the subject was approached in a partizan spirit, or with a desire simply to effect a party triumph. Hon. gentlemen, the question is one of very great importance, and I am free to confess, as stated by the hon. Senator from Kingston, that if I have any leaning at all, I suppose, as a Conservative, it would naturally be to the side of authority; still, from what I have seen of public affairs during the course of my life, I have learned to prize responsible government as we enjoy it in this country, as one of the most inestimable privileges we possess, and one I would not see lightly trifled with by anybody, whether he be a Lieutenant-Governor of a Province or a responsible Minister of the Crown. Therefore, I say, when these messages were brought down there was no other course open to us than to deal with the question in the manner we propose. I think it cannot be denied by any hon. gentleman that viewing the question in its most favorable light, we are bound to come to the conclusion on the papers placed before us, that the Lieutenant-Governor of Quebec, having strong political convictions and great force of character, was determined from the very first to carry out his own views and impress them on the Ministry, or, failing in that, to dismiss them and try to bring others into his councils who would be more compliant or whose views would be more in accord with his own. I think it cannot be denied that has been the course pursued by Mr. Letellier since he became Lieutenant-Governor of Quebec, and if this is granted, then the other proposition follows that his policy has been in direct violation of the principles of responsible government as we enjoy it. If we are convinced that this is the fact, I should like to know if it would be consistent with the dignity of this House if we simply debated the question and allowed the matter to drop without placing an expression of our opinion on the journals of the House? I should be sorry to see the House adopt such a puerile course, and I do not think we have heard anything from the hon. Secretary of State or the

Hon. Senator from Prince Edward Island, to prevent us from expressing our opinion as to the unconstitutional conduct of the Lieutenant-Governor of Quebec.

Hon. Mr. TRUDEL—If my hon. friend from Prince Edward Island had not repeated the unwarrantable assertion which fell from the hon. Secretary of State, that we would be influenced by political considerations in the discussion of this question, I would not have alluded to it. I do not see how such an assertion can be justified. Is it because this House has condemned some measures of the Government? If so, I think the best proof that we are not influenced by partizan motives is to be found in the fact, that the Government now admit that the measures that we have defeated were not wise. According to the hon. Secretary of State, to have our merits recognized we should vote for all the measures submitted to us by the Government, whether we consider them in the public interest or not. The hon. Senator from Prince Edward Island repeated that assertion, although he knows it was through the action of the Senate the Government were prevented from depriving a large portion of the people of his own Province of the franchise. I could refer to the Esquimalt and Nanaimo Railroad Bill, and other unwise measures of the Government which we defeated in this House, and which the Government are now obliged to admit deserved the fate which they met with at our hands. I was surprised to hear the hon. Senator from Prince Edward Island attempting to justify the conduct of the Lieutenant-Governor of Quebec by citing precedents which, in my opinion, have no bearing on the case. I challenge any hon. gentleman to cite an instance in the whole history of England in which the Sovereign has dismissed a Ministry in such an arbitrary manner. There has been none during the present reign. Is there a single case during the reign of George the Third that could at all be compared with the one now under discussion? With the exception of the dismissal of the Ministry in the Cape of Good Hope by Sir Bartle Frere, in every instance that has been cited an opportunity has always been given to the Ministry to comply with the request of the Sovereign, and it was only on a refusal that they were dismissed. To find precedents for the action of Mr Letellier, we must go

Hon. Mr. Allan.

back to the last century, and even there we find nothing so arbitrary. The first intimation the DeBoucherville Government had that the Lieutenant-Governor was dissatisfied with them was when they were notified that they were dismissed. The hon. gentleman went so far as to say the prerogative of the Lieutenant-Governor was equal to that of the Sovereign, and therefore we had no right to deal with it in this House. I cannot conceive how such an absurd assertion can be made. What are the prerogatives of the Lieutenant-Governor? Has he any rights of his own? He has only the rights which he holds from the Crown, and he is responsible for the exercise of those rights to the Dominion Parliament through whom the Queen has conferred upon him this power, and to whom he is answerable for his acts. It is not necessary to go very far to show that this House has a very well defined right to deal with this matter. I would refer the hon. gentleman to the 59th clause of the British North America Act, in which it is provided that:—

“ Any Lieutenant-Governor appointed after the first Session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by message to the Senate and to the House of Commons, etc.”

Is it not stated there that the Senate has a direct right to judge of the conduct of the Lieutenant Governor? The Government of the Dominion is answerable for the conduct of the Lieutenant-Governors; and if this House finds a wrong has been committed, and the Government have not fulfilled their duty by remedying or submitting it to the Senate, has not this House a right to deal with the case? “The King can do no wrong,” says the constitutional authority; the Lieutenant-Governor has shown he is more clever—he has done wrong, and a great wrong, as is proved by the papers submitted to this House for its consideration by the Governor-General. But we are told the Lieutenant-Governor has exercised his prerogative, and we ought to respect authority. As I have shown, he is an officer appointed by this Government, and they are responsible for his conduct to this Parliament. I regret that

the hon. Secretary of State has repeated in this House the falsehoods contained in the statements of Mr. Letellier. I use the word "falsehoods" advisedly. We have here the right to call things by their name and quality,—the acts of Mr. Letellier as they deserve. As a French poet, the celebrated Boileau, said, we may say: "*j'appelle un chat, un chat, et Rollet un fripon.*" The hon. leader of the Opposition in his speech said we should not refer to matters which are denied by either the Lieutenant-Governor or his late Ministers, but that does not prevent us from mentioning what can be found in the public documents. Mr. Letellier states that Mr. DeBoucherville, in a conversation with him, admitted that he was controlled by railway rings, and that he was obliged to give subsidies of money to them. I do not hesitate to say that is a falsehood, for the simple reason that no such subsidy has been granted. At the time when the subsidies alluded to were granted, I was a member of the Local Legislature. Of course I have not had as much experience as the hon. Senator who told me I was a young man, but I know what has been going on in my own Province during the last five years, and I am in a position to contradict the imaginary case the hon. gentleman from Prince Edward Island has made out, having in hand the Statute and the journals of the Legislative Assembly of 1873-4. All the railway subsidies granted by the Legislature of Quebec, were granted by Statute long before Mr. Letellier became Lieutenant-Governor of Quebec; consequently Mr. DeBoucherville could not have made the statement attributed to him by the Lieutenant-Governor. The subsidy was distributed, according to a special scheme, amongst all the companies in the Province and it was enacted that if any one of those companies failed to fulfil the obligations and conditions which entitled the company to such subsidies, the Lieutenant-Governor-in-Council could grant this subsidy to another company. This was the law of the Province before Mr. Letellier was appointed Lieutenant-Governor.

Hon. Mr. CHAPPAIS—And before the last general election.

Hon. Mr. TRUDEL—Yes, as everybody knows. How is it that such a falsehood can be repeated in this House?

*Hon. Mr. Trudel.*

How is it that an hon. gentleman, who has not the slightest idea of what takes place in the Province of Quebec, takes upon himself to teach us what we should do, and think, and know? He compared the state of affairs in the Province of Quebec with the South Africa case. In the latter, Sir Bartle Frere took an extreme step to save the white population from extermination. It was a case of life and death, and one to which applies the rule: *Salus populi suprema lex esto.* Was there anything similar in Quebec? I will explain what happened in our Province. Money was voted by certain municipalities in aid of certain railroads. The private companies having failed to carry out the undertakings, the municipalities sent delegates to the Government of Quebec and offered to give the same bonuses to them if they would go on with the work. The whole difficulty arises out of the location of the road. The City of Montreal, in which I am a ratepayer, had voted a bonus of \$1,000,000, a portion of which they paid, and the Government of Quebec having located the line by Terrebonne, instead of coming directly by Bout de L'Isle, they raised a question whether they were obliged to pay the balance. The question, from a legal point of view, left no room for doubt at all. It is as clear as daylight that they could be compelled to pay. The only case in which there could have been a doubt would have been if the Government of Quebec had gone from Terrebonne to St. Therese without going to Montreal, because a statute said that the junction of the Colonization and North Shore Railway should be within the limits of the City of Montreal. It was to remove any doubt on that point that the Railway Bill was passed, declaring that the Government would continue the line from Terrebonne to Montreal, and fulfil the conditions on the Statute Books, that the two lines should be connected within the city limits. The Government added a clause to the Bill, which, in my opinion, was entirely unnecessary, that if the City of Montreal refused to pay the amount of the bonus, the Government could collect it without process of law. In other words, they claimed the same right that the City of Montreal has enjoyed for many years—to enforce payment without going to a court of justice. While there may some-

times be cause for complaint under that system, on the whole it works very well, and at all events there is nothing new or extraordinary about it. What is there about such a measure that rendered the interference of a dictator necessary? It has been said that because the new Ministry are appealing to the people, we should not discuss it now. But it must be remembered there are two questions involved in this matter. One is whether the Government should have passed the Railway Bill that has been referred to; that is the question which the people of the Province of Quebec have to decide. And the present Ministry, having taken the responsibility of the acts of the Lieutenant-Governor, the people have to judge them on that act—to judge the Ministers, not the Governor. The other question is whether the Governor has acted well. For his acts he is not answerable to the people, but to the authority who appointed him, that is the Federal Government, which is under the control of both Houses. Consequently we have the right to blame the Government for the conduct of its officer. I may mention that the measure doubling the subsidies to the South Shore Railways has been sanctioned by the Lieutenant-Governor on the recommendation of his new Ministers. How is it, if the danger was so great, that this measure should have received his sanction? Two months before the crisis in Quebec, everybody in Montreal knew that the Government of Quebec was about to be upset. It was common talk on the streets and was referred to in the press. If you take this fact in connection with petty reasons assigned in the case of Mr. Letellier, the conclusion is irresistible that the Government of Mr. DeBoucherville were upset by a plot. It is understood that a gentleman well known here, who occupied a seat in the House of Commons, was promised the position now held by Mr. Letellier, but it was said the Government of the Dominion were determined to have the influence of the Local Government in their favor at the next general election, and they thought the gentleman to whom they had promised the position was too "soft," and Mr. Letellier was appointed to overthrow the Local Government. I heard that a hundred times, but I did not believe it until this *coup*

Hon. Mr. Trudel.

*d'état* occurred. I did not believe it until I heard that the man who had raised sectarian strife and national prejudices in the late Province of Canada—the evil genius of our Province—was travelling up and down between Toronto and Montreal, and conferring with Mr. Letellier. When these mysterious meetings took place, it was stated openly in the press that there was a plot to undermine and overthrow the Government of Mr. DeBoucherville. Some of the more zealous partizans of the Rouge party said "You Conservatives have a large majority in the Legislature, but you will see the end of Mr. DeBoucherville's Government in a few days." These are well known facts in the City of Montreal. As I have stated, there are two questions to be considered, one, the legislation with respect to the railways, which the people of the Province of Quebec have to decide; the other, the constitutional question, which this Parliament has to decide, is the act of the Lieutenant-Governor. I contend that when an election is to take place, the late Government should have been allowed to go to the people and ask their judgment on their legislation. They have been deprived of that right. The people of Quebec have no control over the Lieutenant-Governor, and, therefore, it rests with us in this Parliament to say whether he has pursued a constitutional course or not. If he were not answerable to this Parliament, he would possess a hundred times more power than the Queen of England. This very act of the Lieutenant-Governor is used in the Province of Quebec to influence improperly the minds of the people. They entertain great respect for authority, and when they are told that the representative of Queen Victoria has condemned the late Ministry, it is a strong argument with them that they should condemn them also. That is the way the subject is discussed in the Province of Quebec. Shall we allow such an argument to be employed against the late Ministry, when there is such strong reason to condemn the Lieutenant-Governor? Is it not our duty to let the people of Quebec know that the power to whom he is answerable is the Parliament of Canada? What is the position which the Government take on this matter? In the other House the Premier said: "The case was left with the proper judges, the people,

and why should this House interfere? They ought to decline to enter into the question as to whether Governor Letellier was right or wrong." And he added: "To do so would be an outrage on constitutional government." In the Senate, on the other hand, the hon. Secretary of State justified the conduct of the Lieutenant-Governor. Then according to the Premier's theory, he committed an outrage on the constitution. That contradiction shows the insincerity of the Government and is an additional reason why we should pronounce on this matter. I am as independent of political organizations and as free from party feeling as any member of this House, and I can do the hon. gentlemen on this side of the House the justice of saying I believe they are equally independent. Of course, I cannot speak for hon. gentlemen opposite, but I suppose the hon. Secretary of State speaks for them when he says they are too much influenced by party feeling to consider this matter fairly. The Premier, in his speech on this subject the other night, said: "In Mr. Joly's bold and manly address he accepted the full responsibility of the acts of the Lieutenant-Governor. In uttering these words the Premier showed unconsciously that he himself considered the act of Mr. Letellier most audacious. For, it Mr. Letellier's act was a proper and patriotic one; if he had not violated the constitution and compromised himself, where would be the boldness and the manhood? You say it was an excellent act of administration! He has saved the Province! Then, I fail to see anything very bold or manly in Mr. Joly's accepting the responsibility of such an act! It is a matter worthy of remark that the Liberal party in this country, as in all European countries, have proved themselves the most despotic and tyrannical of all political organizations whenever they have had an opportunity to exercise their power to advance their political interests.

Hon. Mr. McCLELAN—I have listened with attention and patience to my hon. friend from Quebec, (Mr. Trudel) who seems to have lashed himself into a fury in consequence of some remark of the hon. Senator from Prince Edward Island, whose speech was moderate in tone and sentiment. I am sure my hon. friend from Prince Edward Island would have

*Hon. Mr. Trudel.*

made no reference to the hon. Senator from Quebec, if he had not been unnecessarily interrupted by him. It is just possible that, so far as I am informed, the finances of the Province of Quebec will be brought to a very critical state before long, if the DeBoucherville Government should be restored to power. In reference to this question, I am very sorry to see that the resolution moved by the hon. Senator from Kingston has not been withdrawn. I did hope from the moderate tone of the leader of the Opposition, and the expression of his great hesitancy and doubt in bringing this matter up in this Parliament, that his object would have been obtained after some discussion upon it, and that the resolution would not be pressed to a vote in this Chamber. I regret that he has not deemed it expedient to withdraw it; because I consider it inexpedient, indelicate, inopportune and likely to have no practical effect. The hon. Senator from Kingston, in his opening remarks, spoke of his early acquaintanceship with the Lieutenant-Governor of Quebec, and I can say myself, so far as my knowledge of him is concerned, I sat here under the late coalition Government, when that hon. gentleman (Mr. Letellier) was the leader of the Opposition, and I can speak of the personal regard which was entertained for him on all sides of this Chamber; but my hon. friend in pursuing his reference to Mr. Letellier, went on to draw upon his imagination, when he said that he had accepted the high and responsible position of Lieutenant-Governor of Quebec with a partizan object. He intimated it was possible he had in view, in accepting that position, the restoring to power of a party in consonance with his own feelings. I think it would have been more charitable if he had drawn on his imagination in the other direction, and conceived that hon. gentleman had assumed that high position with a full sense of its responsibilities, and that he went to the Province of Quebec to govern it on constitutional principles—that he saw in the legislation which was introduced by the DeBoucherville Government a severe infliction on the people of his country, that the rights and privileges of his countrymen were to be ruthlessly interfered with, and that they were to be subjected to onerous taxation without corresponding benefits,

while ignoring altogether the usual procedure and the rights of judicial action. The hon. gentleman might have gone further and imagined, what is pretty clearly established by the papers before us, that Mr. Letellier found his Ministers controlled by certain "rings," or corporations, or bodies of men, who were prepared to live and fatten on the spoils of the people, and that he felt he was obliged to exercise the prerogative which he possessed for the protection of the interests of his native Province.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. McCLELAN—I think all that might have been imagined, and therefore, the hon. gentleman who occupies that high position—whose right of exercising the prerogative of dismissing his Ministers has not been disputed to-night, and certainly has not been disputed by any authority which has been quoted—simply exercised a right which is inalienable and inherent to the position which he occupied—a right which is specially secured to the Lieutenant-Governors of Ontario and Quebec. Therefore, it becomes simply a question as to the propriety or advisability of exercising that right on this occasion. Into that question I do not propose to go. I did not think a resolution like this would be presented to this body, and pressed to a vote. Some hon. gentleman has said that there were no precedents for the act of the Lieutenant-Governor. Well, I happen to belong to a Province in which I was a member of the Legislature when the Government was virtually forced to resign in advance of an appeal to the people upon the question of the Prohibitory Liquor Law: it was a moral reform for which the great body of the people had petitioned, and in which they took a very lively interest. The Government of the day, supported by a large majority, passed that Act. Just when the reaction had set in, before the law could fairly get into working order, and when those engaged in the liquor traffic were very much excited over the operation of the law, the Governor on a sudden conceived that his council at that moment did not represent the wishes of the people. He at once set to work to secure a dissolution. Some of the hon. gentlemen who are here know all the circumstances attending that case. The Ministry were virtually forced to re-

Hon. Mr. McClelan.

sign, a new Ministry was called in, and a dissolution was immediately ordered. The result was that the Governor was sustained. I thought it was an arbitrary use of the prerogative on that occasion.

Hon. Gentlemen—Hear, hear.

Hon. Mr. McCLELAN—But the people of New Brunswick did not think so, though the reasons were far less grave than in this case. The Queen of England did not think so, because the Governor of that day not only was not reproved by his royal mistress, but had new dignities conferred upon him. So also in the case of Governor Gordon on the Confederation question—the Opposition were only seven in number, yet the Government were virtually compelled to make way for other advisers. The people sustained the Governor, who was subsequently knighted. I never heard of the question being discussed in the British Parliament at all. He had felt it his duty to bring about a crisis, and an appeal to the people, and the result was as I have stated. In that case he was resisted by his Ministers, yet by the exercise of his prerogative he forced a resignation and an appeal to the electors. I think any discussion of the question which is before the House is inexpedient. It will scarcely give an expression of opinion such as the hon. gentlemen who support it perhaps think, and I am surprised that hon. members from Quebec would favor a precedent so fraught with danger to the interests of that Province, particularly a precedent such as the interference of the Federal Parliament on this question will establish. The hon. gentleman from Quebec who has just taken his seat contended that the people of Quebec should not be the judges of their own affairs.

Hon. Mr. TRUDEL—I did not say that. I said they were judges of the question as to matters endorsed by the present Ministry, but it was not for them to judge of the issue between the Lieutenant Governor and the power that appointed him.

Hon. Mr. McCLELAN—The hon. gentleman said we were the proper judges; that we had the right to sit here and act in a judicial capacity. If that be the case, we can scarcely be expected to found our decision on street rumors and *on dits* such as the hon. gentleman spoke about in his speech this evening. I think the introduction of this question at this mo-

ment is inopportune, in view of the fact that the dissolution has taken place, and the question is now prominently before the people of the Province. Any opinion that we may express will have its effect upon the free right of the people to decide this question for themselves, and such interference is not only wrong, but places this House in an anomalous position. The decision of the people of the Province of Quebec under the circumstances is very likely to be in a direction different from that in which this House will decide, and in accordance with the expression of the popular branch. I can understand that the Lieutenant-Governor, being appointed by the Federal Government, should be amenable to a higher authority, and after the excitement consequent upon the election now in progress in the Province of Quebec has passed away, it would be quite time enough for the Governor-General-in-Council to consider the propriety or impropriety of the course pursued by Mr. Letellier. The Government are responsible to this Parliament, and ultimately it may come before us in a proper and legitimate way, but I trust that when we consider the temperate manner in which this subject has been discussed, the mover of this resolution will not press it to a vote, but that we will be relieved from the necessity of proceeding with a discussion, which, perhaps, may be protracted for some little time, and of voting upon a resolution, which, for the reasons I have given, is undignified and inopportune, and, I believe, can have no practical effect whatever.

Hon. Mr. POWER—The question, as placed before the House by the hon. member from Kingston, is whether we have to consider the conduct of the Lieutenant Governor of Quebec as subversive of the principles of Responsible Government or not. In order to answer that question we have to consider what Responsible Government is; and I was very much gratified to find that—in this House, as in the other Chamber—the gentlemen who have supported this resolution have taken the same view of Responsible Government as we do, and hold that the position of a Lieutenant Governor in the Dominion is the same as the position of Her Majesty in England. The difference between Re-

*Hon. Mr. McClellan.*

sponsible Government and the system which prevailed before Responsible Government was obtained, is that under the old system the Governor's advisers were responsible only to himself, while now, the Governor is bound to accept the advice of his Executive Council, which Executive Council are responsible to the popular branch of the Legislature, and through that branch to the people. The power of the Lieutenant Governor, so far as regards the question before the House, is the same as that of the Governor General, and the power of the Governor General the same as the power of the Queen. All we have to do is to find out what the power of the Sovereign is, and upon that question I ask the House to bear with me for a few minutes. I should have thought that every hon. gentleman here would have been surprised at hearing the question asked in a British Parliament as to whether the Governor or the Sovereign had the right to dissolve the representative branch of the Legislature. Every gentleman who has read law or made Parliamentary history a study, would take it for granted that that right would not be questioned; and I was very much surprised, indeed, to hear it questioned in the way it has been. I know that this right has been recognized in a certain qualified way by the hon. gentleman who moved the resolution here, and also by the hon. gentleman who leads the Opposition in the other House; but it has been denied altogether by some of their friends in the other House, by the press, and by some hon. gentlemen in this House, and I shall have to refer to some of the fundamental authorities to decide this question. Before doing so, I may remark upon the very limited number of the authorities cited to support the views of hon. gentlemen opposite. One hon. gentleman said that there was such a wealth of authority—there had been so much light thrown on the subject—that it was not necessary for him to cite any more. It occurred to me that that was a very easy way of getting out of a difficulty. I think it is a very singular thing that in this House and in the lower House gentlemen of the Opposition have not been able to cite any standard authorities in support of their position. The first authority I shall quote from is "Stephen's Commentaries," 7th edition, published in 1874.

Hon. Mr. CAMPBELL.—Hear, hear.

Hon. Mr. POWER.—The hon. gentleman says “hear, hear.” I am very glad that the authority meets with his approval. It is recognized in England and in every British colony as a good authority ; and I shall take the liberty of reading a few extracts. The first one does not bear directly on this question, but it bears indirectly on it, and points out a danger that lies in the way of gentlemen who support this resolution.

Chapter I of Book IV treats of the Parliament. In this chapter at page 319 of the edition from which I read, I find the following language :—

“In all tyrannical Governments, the Supreme Magistracy, or the right both of *making* and of *enforcing* the laws, is vested in one and the same man, or one and the same body of men ; and wherever these two powers are united together, there can be no public liberty. The magistrate may enact tyrannical laws, and execute them in a tyrannical manner, since he is possessed, in quality of dispenser of justice, with all the power which he, as legislator, thinks proper to give himself. \* \* \* \* \* With us, therefore, in England, this Supreme Power is divided into two branches ; the one legislative, to wit, the Parliament, consisting of Sovereign, Lords and Commons ; the other executive, consisting of the Sovereign alone.”

I should like to call attention to the fact that in the Province of Quebec the Government, through the Legislature, enacted certain laws, which laws ought to have been left to be enforced by the judiciary ; but the Legislation of this last Session was to take the execution of those laws out of the hands of the proper authorities and vest it in the Ministry. When a legislature undertakes to do that, to my mind it becomes, what the author here terms, “tyrannical.” At page 326, the author says :

“It is highly necessary for preserving the balance of the constitution, that the Executive should be a branch, though not the whole of the Legislative. The total union of them, we have seen would be productive of tyranny ; the total disjunction of them would, in the end, produce the same effects, by causing that union against which it seems to provide. The Legislative would soon become tyrannical, by making continual encroachments, and gradually assuming to itself the rights of the Executive power.”

And he goes on to instance the case of the Long Parliament.

Hon. Mr. Power.

It seems to me that, at the present period of the nineteenth century there is a great deal more danger of tyranny from the Legislature than from the Executive. The author, in the Book dealing with public rights, speaking the right of the Crown to dissolve Parliament, says, at page 392 :

“A Parliament may be dissolved by the Sovereign’s will, expressed either in person or by representation ; for as he has the sole right of convening the Parliament, so also it is a branch of the Royal prerogative, that he may (when-ever he pleases) either prorogue the Parliament for a time, or put a final period to its existence. If none but itself had a right to prorogue or dissolve a Parliament, it might happen to become perpetual, and this would be very dangerous.”

Upon this point the case of the Long Parliament is again cited. There the law is laid down without any qualification whatever that the Sovereign may dissolve Parliament. Then another principle laid down in this text book, which has not been regarded by hon. gentlemen who have discussed this matter here and elsewhere, is the irresponsibility of the Monarch or his representative. The maxim that “the King can do no wrong” is thrust out of sight altogether ; and, instead of it, I have heard the statement made, that the name of the Lieutenant-Governor should be handed down to infamy. I think that if any names should be handed down in that way, it should be those of the Ministers whose acts compelled him to assume the responsibility he has taken. The next authority I shall cite is Sir Edward Creasy, late Chief Justice of Ceylon. I may remark that he is a Liberal who entertains the highest regard for the powers of the Legislature and the rights of the people ; and that he is not one of those who would wish to extend the royal influence. In his “Rise and Progress of the British Constitution,” speaking of the Crown, he says : “The power of dissolving Parliament is also a strong engine in the Sovereign’s hands, whereby he may protect himself against Ministers personally distasteful to him, and gain, at least, the chance of seeing a House of Commons returned whose feelings may harmonize with his own.” Now, there is laid down in clear and unqualified terms the right of the Monarch to do what Lieutenant-

Governor Letellier did when he removed Ministers that were distasteful to him. Taking the most extreme view of the Lieutenant-Governor's conduct, that he was actuated by personal dislike to his Ministers—which I do not myself believe at all—we have the authority of Sir Edward Creasy that the Governor did nothing but what he had a perfect constitutional right to do. In support of this, I will quote from Professor Sheldon Amos, author of various standard works upon constitutional history, and jurisprudence. He also is a Liberal. At page 10 of his "English Constitution and Government," he says: "The Sovereign can dissolve Parliament whenever he pleases." If it were necessary I might cite several other standard authorities, but I do not think it is necessary to quote any more of that particular character. Yet, at the risk of repeating what has been already said, I shall take the liberty to refresh the memories of some hon. gentlemen in this House on what May says on the subject in the first volume of his History. I imagine that no parliamentarian will question May as an authority on constitutional history and practice. He has lived in the atmosphere of Parliament, being one of the clerks in the British House of Commons, where he has had the best opportunities for being imbued with the true spirit of Parliament. The hon. gentleman from Prince Edward Island (Hon. Mr. Haythorne) cited May on pretty nearly all the points to which I am about to call attention, but I find that since that hon. gentleman sat down, some other hon. Senators did not appear to be clear on the subject; and I shall repeat two or three citations that have been given. At page 14 of the edition of 1871, the principle is laid down generally:—

"A Constitutional Government ensures to the King a wide authority in all the councils of the state. He chooses and dismisses his ministers, and this, if it be his pleasure, without the advice of any councillor. Their resolutions upon every important measure of foreign and domestic policy are submitted to his approval; and when that approval is withheld, his ministers must either abandon their policy, or resign their offices. They are responsible to the King on the one hand, and to Parliament on the other; and, while they retain the confidence of the King, by administering affairs to his satisfaction, they must act upon principles, and propose measures, which they can justify to Parliament."

*Hon. A. r. Power.*

That is a perfectly clear and unqualified statement. There are several cases of this kind which arose in the reign of George the Third, and those cases have been referred to by the hon. leader of the Opposition in the other House, and the hon. Senator from Kingston in this House. There were two of those cases in which the exercise of the prerogative was rather severely criticised by different authorities; but hon. gentlemen will observe that the criticism was not directed against the exercise of the prerogative in dissolving the Commons; it was not questioned that the King had the right to dissolve the House; but it had been held that there were certain circumstances connected with the dissolutions that gave the acts an improper character. In one case—in fact, I think in two cases—in the reign of George III., the King had intrigued with certain outside irresponsible parties for the purpose of overthrowing his own Ministers; and that was the conduct which had been held up to reprobation by constitutional writers as being 'clearly most improper.'

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. POWER—In the case of the coalition Cabinet, the means taken by the King to overthrow the Government were very unfair indeed. He was not able to defeat them in the Commons, do what he could; and when the India Bill was going up to the House of Lords the King took steps, by allowing his name to be used with the Peers, to prepare for the defeat of the measure in the Upper House. Lord Temple was the agent in the matter, and in order to leave no doubt as to his commission, the following words were written upon a card:—

"His Majesty allows Earl Temple to say that whoever voted for the India Bill was not only not his friend, but would be considered by him as an enemy; and if these words were not strong enough, Earl Temple might use whatever words he might deem stronger and more to the purpose." P. 68.

A message of that kind from the King being carried around amongst the Peers, naturally produced the result that he desired. The Bill was defeated in the House of Lords; and he then dissolved the Commons. We can see at once that cases like that differ from the case of the Lieutenant Governor of Quebec. There have been no 'King's friends' in the case of Lieu-

tenant Governor Letellier as there were in the case of George III. It has not been charged by his most bitter enemy that there was any back-stairs influence going on, or any intrigue with parties in opposition. The Lieutenant Governor appears to have acted solely upon his own responsibility; though I believe that an hon. Senator from Montreal has said there was some collusion between the Government at Ottawa and the Lieutenant Governor at Quebec.

Hon. Mr. TRUDEL—I mentioned facts.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. POWER—In 1831 there was another dissolution of the British Commons, which I consider to be a strong case in point, and on which May has the following remarks:—

“The King was called upon, at a critical period, to exercise his prerogative of dissolving Parliament. In 1831, a new Parliament was yet in its first Session, but, having been assembled under the auspices of the late Administration, before the popular feelings in favor of parliamentary reform had been aroused, it had become evident that a Reform Ministry, and this Parliament, could not exist together. The Ministers, having been twice defeated in three days, had no alternative but to resign their offices or to appeal from the House of Commons to the people; and they urged the necessity of an immediate dissolution. The time was full of peril, and the King hesitated to adopt the bold advice of his Ministers, but, when at length he yielded his assent, the prerogative was exercised at once, and by the King in person.” p. 141.

Although this had been the first Session of a new Parliament, the propriety of the dissolution by the King was not questioned at all. The next dissolution was that which took place in 1834.

Hon. Mr. BOTSFORD—Will the hon. gentleman tell us what was the result of the dissolution of 1831?

Hon. Mr. POWER—The Ministry were sustained. The dissolution of 1834 is a case on which a great deal of stress has been laid by the hon. gentleman from Kingston; and still greater stress has been laid upon it by the leader of the Opposition in the other House. The reason why that dissolution was not approved of, was, not that the King had done what he had no right to do, but that he had dissolved without any cause whatever; and it is not pretended by any one that the Sov-

Hon. Mr. Power.

ereign, or the Governor, has a right to dissolve Parliament unless he has some substantial reason for doing so.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. POWER—May says on page 146:—

“All the accustomed grounds for dismissing a ministry were wanting. There was no immediate difference of opinion between them and the King, upon any measure, or question of public policy; there was no disunion among themselves; nor were there any indications that they had lost the confidence of Parliament. \* \* \* \* The right of the King to dismiss his ministers was unquestionable; but constitutional usage has prescribed certain conditions under which this right should be exercised. It should be exercised solely in the interests of the State, and on grounds which can be justified to Parliament, to whom, as well as to the King, the ministers are responsible. Even in 1784, when George III had determined to crush the Coalition Ministry, he did not venture to dismiss them, until they had been defeated in the House of Lords, upon Mr. Fox's India Bill. And again in 1807, the Ministers were at issue with the King, upon a grave constitutional question, before he proceeded to form another ministry. But here it was not directly alleged that the Ministers had lost the confidence of the King. \* \* \* \* The act of the King bore too much the impress of his personal will, and too little of those reasons of state policy by which it should have been prompted.”

The one essential in every case, is that there should be a difference of opinion between the King and his Ministers to justify him in dissolving Parliament against their will; and there was no such difference there. There are several other passages in May bearing directly upon the question before us, but, not desiring to weary the House by reading too much, I shall simply refer hon. gentlemen to the following pages of the first volume: 31, 39, 71, 73, 85, 108, and 116. The case of Lord Palmerston has been referred to at length by the hon. gentleman from Prince Edward Island (Mr. Haythorne). I shall now refer to the only authority that has been cited by the hon. leader of the Opposition in this House, and by the leader of the Opposition in the other chamber; and it is a matter of surprise to me that such an authority should have been quoted and relied upon by those hon. gentlemen. The hon. gentleman from Kingston stated in the course of his remarks this afternoon, that he did not attach any weight to the opinion of the *Saturday Review* writers; yet he held up

to the admiration of this House as a most weighty authority on constitutional practice, Mr. Bagehot. We have not been aware before now that Mr. Bagehot has been regarded as a very high authority on such matters; Mr. Bagehot is an extreme Radical; and the book which goes by his name, and which has been referred to by the hon. gentleman opposite, is made up from essays contributed by the author to that very Radical publication, "The Fortnightly Review." It is very strange to see the leaders of the Conservative party cite this Radical writer, the only authority that bears out their view of this case. Of all the other Parliamentary authorities, not one has a word to say in favor of the position of the hon. gentlemen opposite; and the only authority they have to fall back upon is Bagehot. As far as one can judge, almost the only claim Bagehot appears to have to be cited as an authority by those gentlemen, is that he at one time sat beside the Right Hon. member for Kingston at a dinner in London. Bagehot's theory is that the majority of the Lower House are omnipotent; the King has no power at all,—the Executive has no authority whatever; and even the non-elective body, the Upper House, have to give way also. They may, perhaps, be allowed to dot an "i" or cross a "t"; but that is about all the power he would allow them; and I am rather surprised that hon. gentlemen who are so Conservative in their tendencies, and so jealous for the powers and dignity of the Senate, should accept as an authority a writer who deals so cavalierly with the rights of this House, as well as with the rights of the Executive. Hon. gentlemen can see that— if the doctrine laid down by Bagehot is to be recognized as the constitutional law of the future; if we are to forget all the lessons we have learned, and the people of England have learned during centuries—it is well that it should be clearly understood. Heretofore, we have all been in the habit of thinking that the one thing above all others which recommends the British Constitution as a system of government is that it contains in it all the good qualities of all other systems of government; that it combines the stability of a monarchy, the wisdom of an aristocracy and the patriotism which is supposed to be peculiar to a democracy.

*Hon. Mr. Power.*

At this point Mr. POWER moved the adjournment of the debate.

The motion was agreed to.

## ONTARIO EXPRESS AND TRANSPORTATION COMPANY'S BILL.

FIRST READING.

Bill, "An Act respecting the Ontario Express and Transportation Company," from the Commons, was introduced and read the first time.

The House adjourned at 11:15 p.m.

## THE SENATE.

*Tuesday, April 16<sup>th</sup>.*

The SPEAKER took the chair at three o'clock p. m.

After Routine proceedings.

## BILLS ASSENTED TO.

The SPEAKER informed the House that he had received a communication announcing the intention of His Excellency the Governor-General to come down to the Senate to-day, at three o'clock in the afternoon, for the purpose of assenting in Her Majesty's name to certain Bills passed by the Senate and House of Commons.

The House was adjourned during pleasure.

After some time the House was resumed.

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

Who, being come with their Speaker,

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

An Act to reduce the Capital Stock of the Merchants' Bank of Canada.

An Act to incorporate the "Société de Construction Mutuelle" under the name of the "Société de prêts et placements de Québec," and for other purposes.

An Act to revive and amend the Act incorporating the Montreal and Champlain Junction Railway.

An Act to extend to the Province of Prince Edward Island "the Railway Act of 1868," and certain Acts amending the same.

An Act to amend and consolidate, as amended, the several Acts relating to the Quebec Fire Assurance Company.

An Act respecting the Bank of Liverpool.

An Act to incorporate The Ontario Mutual Life Assurance Company.

An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company.

An Act to authorize the National Insurance Company to reduce its Capital Stock, and for other purposes.

An Act respecting the Northern Railway Company of Canada.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act to amend "The Post Office Act, 1875."

An Act to amend the Act incorporating the Sydenham Harbor Company.

An Act respecting the Maritime Court of Ontario.

An Act to incorporate The Regular Baptist Foreign Missionary Society of Ontario and Quebec.

An Act respecting the Montreal and City of Ottawa Junction Railway Company.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate.

The House of Commons having withdrawn,

His Excellency the Governor-General was pleased to retire.

## THE PACIFIC RAILWAY.

### MOTION FOR RETURN.

Hon. Mr. READ moved, that an humble address be presented to His  
Hon. Mr. Read.

Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a detailed statement of miscellaneous payments amounting to \$218,553.06, as found in Mr. Sandford Fleming's Second Report on the Canadian Pacific Railway on page 383.

The motion was agreed to.

## THE EASTER ADJOURNMENT.

Hon. Mr. AIKINS moved, that when this House adjourns on Thursday next, it do stand adjourned to Tuesday, the 23rd day of April, instant.

After a short debate the motion was agreed to, the Secretary of State having informed the House that the adjournment would not seriously interfere with the progress of the business of the Session.

## THE MINISTERIAL CHANGE IN QUEBEC.

### THE DEBATE CONTINUED.

Hon. Mr. POWER, in resuming his remarks, said:—I wish, in the first place, to make an explanation for the hon. gentleman from Prince Edward Island (Mr. Haythorne), who said that he proposed to move an amendment to the motion of the hon. Senator from Kingston. It might be inferred from the manner in which the hon. gentleman had referred to the amendment that he was acting on behalf of the Government, or with the cooperation and cognizance of some member of the Government. I am authorized by the hon. gentleman to say that such is not the case; that he and two or three of his friends—private members of this House—had prepared the amendment, and that he had not presented it on behalf of the Government or in consequence of any understanding with the Government.

Yesterday in my remarks on the resolution before the House, I tried to establish the view that the Governor General stands in the position of the Sovereign, and that the Lieutenant Governor stands in the same position also, as far as executive power is concerned; and that consequently all the rules which apply to the Sovereign of England, as far as this question is concerned, apply also to the Lieutenant Governor of Quebec. I tried also to show that the Sovereign, if there is any differ-

ence of opinion on matters of state policy between him and his advisers, has the right to dismiss his Ministers, to dissolve Parliament, and to appeal to the country upon the question at issue. In support of this view I cited several authors. I had intended to quote from Todd; and with the permission of the House I shall now cite a few passages from "Todd's Parliamentary Government in England," which is an authority that I do not suppose any hon. gentleman will question. I understand that the pamphlet written lately by Mr. Todd has been questioned, but in 1873 Sir John Macdonald and Lord Dufferin cited him as a very high authority; and I presume that anything which he wrote previous to that time will be accepted by hon. gentlemen opposite as sound doctrine. And I shall quote from his work of 1867. On page 134 of the first volume we find the right to dissolve laid down; at page 154 we find the same right again referred to; and at page 162 Mr. Todd gives a list showing various cases where Ministers had been dismissed by the King, and the House had been dissolved. I should wish to call the attention of the hon. gentleman from Kingston, who in his speech cited Lord Brougham—as was also done by the leader of the Opposition in the other House—to Mr. Todd's chapter on the prerogative power of the Sovereign, where at page 206, Lord Brougham is reported as having said of the theory held by gentlemen opposite:—

"With all the disposition in the world to desire that the Royal prerogative should be restricted, and the will of the nation govern the national affairs, we cannot comprehend this theory of a monarchy. It assigns to the Crown either far too much revenue or far too little power. To pay a million a year, or more, for a name, seems absurdly extravagant. To affect living under a kingly government, and yet suffer no kind of a kingly power, seems extravagantly absurd. Surely the meaning of having a Sovereign is, that his voice should be heard, and his influence felt, in the administration of public affairs. The different orders of the State have a right to look to that high quarter all in their turn for support, when their rights are invaded by one another's encroachment, or to claim the Royal umpirage when their mutual conflicts cannot be settled by mutual concessions; and unless the whole notion of a mixed monarchy, and a balance of three powers, is a mere fiction and a dream, the Royal portion of the composition must be allowed to have some power to produce an effect upon the quality of the whole."

"In his essay on Parliamentary Govern-  
*Hon. Mr. Power.*

ment, Lord Gray thus expresses himself:—  
'There is a further safeguard against abuse, in its being requisite that the Ministers of the Crown should obtain its direct sanction for all their most important measures. The Crown, it is true, seldom refuses to act upon the advice deliberately pressed upon it by its servants, nor could it do so frequently without creating great inconvenience. But the Sovereigns of this country nevertheless may, and generally have exercised much influence over the conduct of the Government; and, in extreme cases, the power of the Crown to refuse its consent to what is proposed by its servants, may be used with the greatest benefit to the nation. A refusal on the part of the Sovereign to sanction measures which the Ministers persist in recommending as indispensable, is indeed a legitimate ground for their resignation: and if the question which leads to this is one on which they have the support of public opinion, they must in the end prevail.' p. 208.

"Upon a recent occasion, Lord Derby, from his place in Parliament, gave utterance to the following remarks: 'The people of this country are under a great mistake if they suppose that the Sovereign does not exercise a real, salutary and decided influence over the Councils and Government of the country. The Sovereign is not the mere automaton, or puppet, of the Government of the day. She exercises a beneficial influence and control over the affairs of the State; and it is the duty of the Minister for the time being, in submitting any propositions for the assent of Her Majesty, to give satisfactory evidence that such propositions are called for by public policy, and justified by the public interests. If the Sovereign is not satisfied with the advice tendered to Her,—if either from the suggestions of her own mind, or from objections which may be suggested to her (by the Prince Consort), Her Majesty is of opinion that She will not accept the advice of the responsible Minister of the Crown, the course of the Crown and the Minister is equally open. The course of the Crown is to refuse to accept that advice of the Minister, and the inevitable consequence to the Minister would be the tender of his resignation.' p. 208.

"'It is not to be supposed' says Professor Austin, in reference to the control exercised over Parliament by means of the royal prerogative of dissolution, 'that the King is powerless because this power of control is seldom exercised. As his power depends, in the long run, on the national attachment of the people to the royal office, the permanence of the power would be put in jeopardy if it were indiscreetly exercised. The power of the Crown to control the Houses operates silently. It is rarely exercised, in fact; but it could be exercised in fact if the exercise became necessary, and were sanctioned by the approbation of the country.' p. 209.

"Commenting upon the exercise of this royal prerogative, Lord Brougham has declared that it is in the 'unquestioned power of the Crown to choose and to change its servants,' and that 'no one would think of questioning the foundation of this power, of objecting to its

existence, or of wishing to restrict it,' provided only that it is exercised 'on grounds capable of being stated and defended.' The grounds upon which the Sovereign may constitutionally dismiss a Ministry, he has thus defined: 'If they exhibit internal dissensions amongst themselves; if they differ from the Sovereign, or from the country at large; if their measures are ruinous to the interests of the country, at home, or abroad; or if there should exist a general feeling of distrust and disapprobation of them throughout the country.'

"The personal discretion of the Sovereign in regard to his Ministers has been explained as follows: 'The Sovereign exercises his opinion on the sentiments as well as capacity of his Ministers, and if, upon either, he judges them to be incompetent, or in any degree unfit, it is the prerogative and, with perfect loyalty let me add, the duty of the Crown to dismiss such ministers.' For 'the King cannot be required to take advice from men in whom he cannot confide, and, were there no other reason, a diminution of confidence is a sufficient ground for a change in his Majesty's councils.'" p. 211.

For further information upon the relations between the Sovereign and his Ministers, I may refer hon. gentlemen to pages 222, 223 and 230 of the same volume of Mr. Todd's work, and to page 404 of the second volume.

I should like, also, to call attention to certain portions of the British North America Act, which bear upon this subject, particularly Sections 11, 12, 63, 64, and 65, the third and last of which, so far as they relate to the question before the House, I shall read.

"63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant Governor from time to time thinks fit."

"65. All powers, authorities, and functions which were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of Upper Canada, Lower Canada, or Canada, individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governors of Ontario and Quebec respectively, individually."

Then, in the Instructions to the present Governor-General, we find the following provision:—

"If, in any case, you see sufficient cause to dissent from the opinion of the major part, or of the whole of our Privy Council for our Dominion, it shall be competent for you to execute the powers and authorities vested in you  
Hon. Mr. Power.

by our Commission, and by these our Instructions, in opposition to such their opinion.

In his commission of appointment, the Governor-General is empowered

"To exercise from time to time, as you may judge necessary, all powers lawfully belonging to us, in respect of assembling or proroguing, the Senate or the House of Commons of our said Dominion; and of dissolving the said House of Commons; and we do hereby give the like authority to the several Lieutenant Governors, for the time being, of the Provinces in our said Dominion, with respect to the Legislative Councils, or the Legislative or General Assemblies of those Provinces, respectively."

I think it is perfectly clear that the Lieutenant-Governors have the same powers as the Sovereign, and that the Sovereign has the power to dismiss her ministers, and to dissolve the representative branch of the Legislature whenever there is a difference of opinion between herself and her advisers on any important question. I have, perhaps to the weariness of the House, multiplied authorities upon this subject. I do not think however, that that is a mistake, because precedents, after all, are what we have to judge by in a question of this kind; a question into the discussion of which political feelings should not be imported. Bagehot, who is the only authority that has been cited by hon. gentlemen opposite, was the editor of the *Economist*, and as an authority on markets, no doubt stood very high; but he was not a lawyer nor a parliamentarian, he was simply a *doctinaire*, and his book has been made up from his essays in the *Fortnightly Review*. If, after weeks of research in the extensive library at their disposal, the leaders of the Opposition have not been able to find any better authority in support of their views, their case must be a poor one; and I am surprised that, under the circumstances, the hon. gentlemen opposite, and those who sympathise with them in the other branch of the Legislature, should have the courage to introduce even so mild a resolution as the one now before the House—seeing that there is nothing to base it upon. If their views were to prevail, and we were to have a new-fangled constitution introduced instead of the admirable system which we have been taught to believe in, and which has grown up through ages

of effort and experience; at any time of commercial distress, or popular agitation, if there should arise a temporary desire for annexation, a House of Commons might be elected a majority of which might be in favor of that policy, or such a majority might be obtained by bribery; a pressure might be brought to bear on the Government in the Lower House to transfer this country over to the United States; and there would be no power to prevent the change. I think that it is only necessary to call attention to some of the possible results of such a theory to show how untenable it is; and I think it is very singular that such a theory should be advocated by gentlemen who profess to be leaders of the Conservative party. I may say that in the United States, which is supposed to be a much more democratic country than ours, they have taken great pains to provide that no one body shall govern exclusively. The President, or the Governor of a State, is to a great degree independent of both branches of the Legislature; and they again are more independent of each other than this Chamber is of the House of Commons.

Hon. Mr. TRUDEL—The President and Governors are elected.

Hon. Mr. POWER—Yes; and the judiciary there, as a rule, are almost completely independent of the legislative power. In every country where liberty is permanent there must be more than one power; if there is only one body which exercises authority, there will either be tyranny, or freedom will be short-lived. I may say, however, that, after laying down this rather remarkable doctrine, and endorsing Mr. Bagehot, the leader of the Opposition in the other House put in the saving plea that the Governor, or the Sovereign might appeal to the country, if he were of the opinion that the majority in Parliament did not represent the majority in the country; but he took the ground that in that case the Ministry were not to be dismissed. No doubt the theory is correct, that the Executive has the right to send the representative branch of the Legislature to the electors, if it seems to be the fact that they do not represent the majority of the people; but I do not think that the remainder of the theory is correct, that the Ministry from whom the Governor differs, are those who are to go

*Hon. Mr. Power.*

to the country. It is clear that if the Governor thinks that the majority of the people differ from his advisers, and he takes upon himself the responsibility of dismissing them, he must do it under the impression that the electors concur with him, but he takes his political life in his hands; because if his new ministers are not sustained at the polls, of course he is obliged to resign, as his position after that would be untenable. With reference to the supremacy of the Lower House, and to the line taken by gentlemen opposite, as regards the conduct of an Executive in dismissing a ministry who have a majority in the lower branch of the Legislature; I do not think that they weigh fully the meaning of their own words. What is the lower branch of the Legislature? The theory of the British Constitution is, that it is simply the electors; that the whole body of the electors cannot be present in Parliament to carry on their own business; and they select certain persons to do it for them. These representatives take part in the legislation, and look particularly after the imposition of taxation, and the finances; but, if they cease to represent the electors, then it seems to me to be only reasonable and proper that there should be some power to dissolve them; and that power must be the Executive. After the Assembly have sat for the greater part of their term, if the Lieutenant-Governor thinks that he has good reasons for sending them to the country, believing that their policy is injurious to the Province, and not in accordance with the people's wishes; it is absurd to talk of it as an outrage upon the liberties of the country that the electors should be thus afforded an opportunity of pronouncing upon the policy of the Government. I know that it has been stated here, and in another place, that changes were taking place in our constitution; that, although there were no outward signs of it, still changes had taken place; and that the old theory about the three powers in a Government was rather worn out. That view of things may do very well for a gentleman who sits down to write a book in his library, but when we come to put it into practical operation, I think it will hardly work. Men of great parliamentary experience, like May, do not lay down any such theory as that. Todd, who is an undoubtedly high author-

ity, lays down a very different theory, and gives in support of it the utterances of the greatest statesmen of the present century; and I think this House ought to be the last body in Canada to depart from the established principles of the constitution without having some good precedent for doing so. Although we are, perhaps, supposed to acquire greater freedom with each succeeding year, our freedom "broadens slowly down from precedent to precedent," and is not guided or controlled by the visionary theories of such *doctrinaires* as Mr. Bagehot. It has been the impression that the Conservative party were rather disposed to increase or maintain to its fullest extent the prerogative of the Sovereign. That is supposed to be one of their characteristics; and another characteristic is their slowness to change. But now we find that the Liberal party, who are supposed to be more disposed to change than their opponents, and to hold a very different view about the Royal prerogative, are defending the prerogatives of the Crown, while the party who now rejoice in the name of Liberal-Conservatives, appear to be disposed to go as far in diminishing that power, and to make as rapid changes as the most extreme Radical could desire. I should suggest that their name should be changed, and that they should call themselves "Radical-Conservative" instead of "Liberal-Conservative."

I desire to call the attention of the House to the conduct of the Legislature of Nova Scotia in 1867, at the time of the union of the Provinces. The House of Assembly in Nova Scotia voted the Province into union with Canada at a time when the table of the House was loaded with petitions from all parts of the Province, praying that the matter should not be decided without an appeal to the people. The union was effected by the Legislature, however, and the old constitution under which the Assembly had been elected was destroyed, against the "well-understood wishes of the people." I am not now raising the question as to whether the House had the strict legal right to do so—but to borrow a distinction from our opponents here—the constitutional right they certainly had not; and I think it has been very generally recognized, even by those who were in favor of the Act at the

time, that the Legislature of that day in Nova Scotia made a mistake. Supposing that the Lieutenant-Governor of Nova Scotia, when that Act was about being completed, had stepped in and said: "This is a most important question, and one upon which the people should be consulted; I interpose my prerogative, and send you to the electors;" I think that the general feeling would have been that the Lieutenant-Governor had done his duty, and nothing more than his duty. My own opinion is, that it is very much to be regretted that he did not do so. I should like to call the attention of the House briefly to another case in Nova Scotia. In 1859, the House of Assembly in Nova Scotia expired by lapse of time. The Ministry had, I think, a majority of six or seven. The elections took place in the month of May; and when they were over it appeared that a majority of members, hostile to the Government, had been returned. The leader of the Opposition sent a memorial to the Lieutenant-Governor some time after the elections, when it appeared that the Government did not propose to resign, and called his attention to the fact that a majority of members opposed to the Administration had been elected, and suggesting at the same time an immediate meeting of Parliament. It was brought to the notice of the Lieutenant-Governor that twenty-nine members who had signed a memorial submitted to the Governor were hostile to the Government, and that only twenty-six members had been elected to support them. The Government of the day, which was a Conservative one, did not resign; and the Lieutenant-Governor, did not think that they were bound to resign or that he was bound to summon Parliament until its regular time for meeting in the month of February; when the Government were defeated. I shall refer hon. gentlemen to the Nova Scotia Assembly Journals of 1860, where they will find that the Government were defeated by a majority of four. They did not accept this defeat in the House of Assembly, and they requested the Lieutenant-Governor to dissolve the House, and to go to the country again, on the ground that certain members of the House were disqualified. The Governor represented very properly, that under the law existing in Nova Scotia, at the time, the question of the qualification or disquali-

fication of members was decided by committees of the House, and that he had no means of deciding whether those gentlemen had been properly or improperly returned, and he would have to leave the question to the proper tribunal. Upon this the Government resigned. But the Conservative gentlemen, at that time, were not satisfied to let the matter rest just there. Mr. Johnston, the leader of the retiring Government, addressed a memorial to the Governor, Earl Mulgrave, which is recorded in the second appendix to the Journals of 1861. Mr. Johnston also wrote a letter on the matter to the Duke of Newcastle, at that time Secretary for the Colonies, in which he urged very strongly, the rights of the ex-ministers to a dissolution. Dr. Tupper, ex-Provincial Secretary, wrote another letter to the Duke, not on the spur of the moment, while the dismissed Government felt sore over their dismissal, but months afterwards, in October, 1860, when the Governor's course had been approved in England; and this is the way in which that hon. gentleman at that time spoke about the Lieutenant-Governor's refusal to dissolve the House, which had just met after a general election:—

Mr. Johnston, the leader of the Opposition, on behalf of a vast majority of the electors of this Province, as is shown by the poll books of the last General Election, memorialized your Grace in reference to the unconstitutional refusal of Lord Mulgrave to dissolve the Assembly upon the advice of the late Executive Council, and requested your interposition in favor of an appeal to the people."

Lord Mulgrave's view of the matter, cited by Dr. Tupper was as follows:

"The prerogative of the Crown, under any circumstances, to dissolve, is undoubted; but its exercise is a question, which must at all times demand the gravest deliberation; and in a case, such as is the present, of an assembly only just elected, when the opinion of the electors has been so recently expressed, I think should only be resorted to under the pressure of absolute necessity, either in consequence of the impossibility of carrying on the public business, or on account of the House itself having committed some act so grossly illegal and unconstitutional, as to render such a course unavoidable."

Dr. Tupper, however, was not satisfied with the reasons of Lord Mulgrave, and he goes on to find fault with him in exceedingly vigorous terms, some of which

*Hon. Mr. Power.*

I shall quote from his letter in order to show to what lengths Conservative gentlemen are disposed to go, when it pleases them, to carry a point.

Hon. Gentlemen—Hear, hear.

Hon. Mr. POWER—The following are portions of the letter which I refer to:—

"A decision has been made which cannot fail to induce, in these colonies, the impression that what has been supposed to be self-government, is but a delusion and a snare.

"Can Your Grace, then, wonder that every man of independent mind has anxiously awaited this decision of the British Government, to learn whether we are entirely dependent for our rights and liberties upon the despotic acts of those you reward for services elsewhere, by appointing them to positions from which everybody with Colonial experience and information is excluded?"

And again:—

"The people of this Province have been content, my lord, to pay a salary of fifteen thousand dollars a year to a Governor sent from England, besides a large additional sum to keep up his establishment; while the State of Maine with twice our population, has the privilege of electing that officer from among her people, and pay him but fifteen hundred dollars."

Hon. Mr. PENNY—Who is the author of that letter?

Hon. Mr. POWER—This is Dr. Tupper's letter. Then he goes on—and you can see that there is a threat implied that if things are not made lovely for the Conservative party in Nova Scotia, something serious is going to happen:—

"Can such a condition of things be expected to give satisfaction, with the evidence forced upon us, that we have no rights worthy of a moment's consideration, when weighed against the interest or convenience of a gentleman who has been useful to the Imperial Cabinet before coming here?"

"Destitute of representation in the Parliament of Britain, with our most eminent men systematically excluded from the highest position in their own country, and for which their colonial experience and training eminently fit them, it is impossible that the free spirit of the inhabitants of British North America can fail soon to be aroused to the necessity of asserting their undoubted right, to have their country governed in accordance with the well understood wishes of the people."

"In conclusion, Your Grace will allow me to add that, should it prove true that the Colonial

Office has determined to sustain the Lieutenant Governor in the unconstitutional course pursued by him, it will become necessary to lay the subject before the Imperial Parliament, and this country will then learn whether the time has arrived, when important constitutional changes have become indispensable for the acquisition of British institutions, as enjoyed in the parent state."

Now, I shall read two or three lines from the memorandum drawn up by the Executive Council with reference to that letter:—

"The Executive Council regret that a paper, conceived in so bad a spirit, and expressed in language so intemperate and unjust, should be addressed to the Colonial Secretary. But they are consoled by the reflection that His Grace knows something of Nova Scotia, and will not attribute ill-manners to the country, because one of its representatives happens to be indiscreet."

It is rather an extraordinary thing that in no part of this correspondence does the Governor lay down the view that he has not the right to dissolve Parliament when the dissolution is called for. It will be considered remarkable that the hon. gentleman who wrote the vigorous letter I have quoted, is the same gentleman who looks upon the recent exercise of the prerogative of the Lieutenant-Governor of Quebec as being exceedingly improper. It was, however, a noticeable fact, that that hon. gentleman did not take any part in the debate on the subject, though he certainly voted in support of the motion submitted by the leader of the Opposition. The British North America Act, I have shown, sets forth that the prerogatives of Lieutenant-Governors shall remain as they were previous to the Union; and I have given an instance of what the relations between the Executive and the Assembly were in Nova Scotia at that time. I would draw attention to two cases in New Brunswick, which are both referred to in this pamphlet of Mr. Todd's. One is the case of the Prohibitory Liquor Law, which was passed in 1865. It appears that this law was inoperative, and the Lieutenant-Governor suggested to the Ministry the propriety of a dissolution in order to take the sense of the people upon the question of repealing the Act; but they declined to accept his suggestion.

"Finally, the Lieutenant-Governor states that as he never contemplated a dissolution of the  
*Hon. Mr. Power.*

Assembly without the concurrence of responsible advisers," he claimed that either the Executive Council should assume the responsibility for the issue of a proclamation of dissolution, or that they should retire and enable him to seek for other advisers, who would consent to this Act. As Ministers still demurred to either course, His Excellency directed the Provincial Secretary to prepare and countersign a proclamation dissolving the Assembly. His request was complied with, but immediately afterwards the Ministry resigned. The Governor requested them to retain office until their successors were appointed. In nine days he notified them that he had succeeded in forming a new Administration, who, agreeing with him in the necessity for an immediate dissolution of Parliament, were prepared to assume responsibility for the same." Todd, p. 17.

"In April, 1866, there was a change of ministry in New Brunswick under the following circumstances: At a general election in 1865, the expediency of a union of the British North American Colonies, upon terms agreed upon at a Conference of Delegates therefrom, held in Quebec, in October, 1864, was a test question; and a large majority of members was returned opposed to this project.

The Lieutenant-Governor (Mr. A. H. Gordon) was nevertheless of opinion that the earnest desire which the Imperial Government had expressed, in favor of the union, justified him in again recommending the question to the consideration of the Local Legislature; more especially as he believed that a vast change had recently taken place in the public sentiment on this question. Ministers differed with the Governor in this conclusion, and objected to the course he proposed to take. They reluctantly consented, however, to a less formal discussion of the union question, with a view to discover whether some basis of agreement, in accordance with the declared wishes of the Home Government, might not be found. At this juncture, the Legislative Council passed an Address to the Queen, in favor of the projected union, and presented the same to the Governor, for transmission to Her Majesty. In acknowledging the receipt of this Address, the Governor made use of language which his Ministers deemed to be inconsistent with their policy on this question, and they accordingly resigned; although, at the time, they were able to command a majority in the House of Assembly. His Excellency at once formed a new Ministry, who undertook to sustain his action in the matter." Todd, p. 18.

Those gentlemen resigned, because they found that the Governor was taking advice from parties outside the Ministry, and would not take their advice; and they did what every authority lays down a Ministry ought to do where the Sovereign and themselves differ--they resigned when the Sovereign persisted. This is a subject about which the hon. gentleman from Sunbury (Mr. Wilmot) who was one of

the parties concerned in the matter, would be able to give us further details. We have thus in other provinces of the Dominion cases much stronger than that of Quebec; and in all those cases, the Colonial Office approved of the conduct of the Governors. There is no case, I think, where a Governor has been censured for dismissing a Ministry. The hon. gentleman who introduced this matter referred to Governor Eyre, of Jamaica, as a case in point. Governor Eyre's conduct was disapproved by the House of Commons and the Home Government, not on account of any difference between him and the Legislature, but because he was held to have put a number of persons to death without due course of law. It was not a constitutional question at all. Then the case of Governor Darling, also referred to by the leader of the Opposition, is, I think, a very strong one in favour of the view taken on this side of the House. At page 19 of Todd's pamphlet I find this case succinctly set forth as follows:—

“In 1865, the Assembly in the province of Victoria endeavoured to pass a Tariff, to which a majority in the Legislative Council was notoriously opposed, by tacking it to the annual Appropriation Bill. Being constitutionally debarred from amending a Bill of Supply, the Legislative Council ‘laid aside’ the measure. Whereupon the Governor (Sir Charles Darling) gave his sanction to Ministers obtaining a Vote of the Assembly authorizing the new Customs duties to be immediately enforced; and permitted the Ministry to borrow money from a Bank, for public uses, and to pay official salaries, but without the previous authority of an Act of Parliament. For this conduct Sir Charles Darling was severely reprimanded by the Colonial Secretary (Mr. Cardwell.) He was told that the Queen's Representative ‘is justified in deferring very largely to his constitutional advisers, in matters of policy and even of equity. But he is imperatively bound to withhold the Queen's authority from all or any of those manifestly unlawful proceedings by which one political party, or one member of the body politic, is occasionally tempted to endeavour to establish its pre-ponderance over another.’

Subsequently, Sir C. Darling was recalled, or dismissed, on the ground that he had not only sanctioned acts of his Advisers which were legally unjustifiable, but also had placed himself in a position ‘of personal antagonism towards almost all those whose antecedents point them out as most likely to be available to him in any change of Ministry.’

Mr. Secretary Cardwell's conduct, and his dispatches on this occasion, were discussed in the House of Commons, and elicited, ‘from every quarter, the warmest encomiums.’

*Hon. Mr. Power.*

In a debate in the House of Lords, on 8th May 1868, on matters growing out of this case, leading statesmen, on both sides of the House, averted to the constitutional position of a Colonial Governor, and to his duty to protect the Crown, if need be, against the proposals of his Ministers.”

Now, that is not exactly a precedent; but as far as it goes, it is a precedent for the views taken on this side. I have not investigated this subject nearly as fully as the hon. gentleman who has introduced this resolution. I know that days have been spent by hon. gentlemen opposite in preparing their case, before submitting the resolution to this House and the other branch of the Legislature. I venture to say, however, that we may search through English Constitutional history, and through the history of all the English Colonies in which Responsible Government exists, without finding a single case in which a Sovereign or Governor has been found fault with, because, when there was an important difference between him and his ministers, he dismissed them and dissolved the Legislature.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. POWER—I have pointed out several cases where there have been dismissals and dissolutions both in the history of England and in the history of the Colonies. In none of the Colonial cases has the conduct of the Governor been found fault with. There is just one other point which occurs in connection with the matter, and which has already been referred to, and that is, whether, supposing that the Governor dissolves the Legislature, he has to send to the country his old Ministry or a new Ministry. Now, I think that it will be found that there is no precedent for a Ministry which has a majority in the lower branch of the Legislature being sent to the country by the Crown. We have one case where a ministry, having a majority in the House of Commons, dissolved of their own accord and went to the country. That was the recent case of Mr. Gladstone's Ministry; but I think, as I have said, that it will not be found that, in a single instance has a ministry, having a majority in the lower branch of the Legislature, been sent to the country by the Governor. The uniform

rule has been, where there has been a difference of opinion between the Governor and his advisers, that the Governor has got a new ministry, and that that ministry has gone to the country. I should be very much surprised if hon. gentlemen opposite were able to produce any instance where the other course had been followed. I have spoken at length upon the abstract question, which, after all, is the important point. As to the details of what has taken place in Quebec, it is hardly worth while to say a great deal; but I shall call attention to two or three matters in connection with this branch of the subject. It appears, from the correspondence on both sides, that for some time the relations between the Governor and his advisers were not satisfactory. It has been assumed by gentlemen on the other side of the House, that the Governor went to Quebec for the purpose of overthrowing the Ministry. There is no evidence of that in the correspondence before the House. I think it is a most undignified and unjustifiable course for any gentleman in this House to attribute any such improper motives to the Governor. It is very much to be regretted that we have no authoritative statement of the facts in this case. The statement of the Lieutenant-Governor on one side, and of his late Premier on the other, differ in no small degree. Not only have gentlemen on the opposite side of the House taken it for granted that the statement made by the ex-Minister is the correct one, but they go much further than that statement authorizes them, and imagine numbers of things which are not to be found in either of the Messages which have been laid before us. That is one of the evils consequent upon bringing up such a question here, at this time. We are not in a position to deal calmly or deliberately with it. The hon. Senator from Kingston laid great stress upon a passage in the despatch to the Governor-General, in which the Lieutenant-Governor says:—

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

Hon. Mr. Power.

understanding between the representative of the Crown and his advisers.”

The hon. gentleman, influenced very naturally by his own party feeling, thought that that meant that the Governor supposed that the Premier who gave him his confidence should have followed his advice; but I take it to have meant something altogether different. I may be wrong; but I think it highly probable that the leader of the Opposition is mistaken. What the Governor meant is, that the Premier did not repose that implicit confidence in him—did not point out the policy of the Government, did not disclose their measures to him as fully—as he thought they should. I think that certainly a more reasonable and charitable view to take. There is no evidence that the Governor wished to rule himself. Any one who will read the life of the Prince Consort, or study the authorities on this subject, will see that the Sovereign or the representative of the Sovereign, has a right to be consulted on all important measures. Now, the case of the appointment of a municipal councillor at Montmagny has been treated as a very trifling matter. It seems to me that although it was not in itself a very important thing, it was of a rather serious character, or might have been very serious in its results. The Government induced the Governor to do an illegal act, an act which they themselves afterwards practically admitted to be illegal.

Hon. Mr. TRUDEL—Will the hon. gentleman take it upon himself to declare that it was an illegal act?

Hon. Mr. POWER—I take it, on the responsibility of the information we get in this correspondence, to have been an illegal act. I presume that the fact that the Attorney-General, who had a very strong opinion at the first, yielded to the view taken by the Lieutenant-Governor, was evidence that the act was not legal.

Hon. Mr. TRUDEL—It is stated in Mr. DeBoucherville's memorandum that, although the Attorney General continued in his opinion, still, as a matter of courtesy, the Government yielded.

Hon. Mr. POWER—That places the Government in an awkward dilemma. In the matter of the appointment of the Councillor of Montmagny, either the Ministers believed that this officer was il-

legally appointed, or that he was legally appointed. If they believed that he was legally appointed they did wrong in allowing him to be removed. I think they ought to have looked after the rights of the subject as well as after the feelings of the Executive. I do not propose to say anything about the other matters of difference between the Governor and his Council, except the Railway Bill. Now, it is admitted, practically, by Mr. DeBoucherville, that this Railway Bill, which was a most important measure, was never brought properly before the Lieutenant-Governor; and I may here repeat that it is laid down by Todd, and other authorities, that the Government are bound to submit all important measures to the Sovereign before they are introduced; and that is the way in which the exercise of the veto power has fallen into desuetude. The exercise of the veto power would be an inconvenience; and it is avoided by this provision. There were two or three measures of an important character; and this Railway Bill was one of particular importance, and one which especially required the approval of the Governor before its introduction. It has been said that the Governor, if he chose, might have seen from the Minutes of Proceedings of the House of Assembly the progress this measure was making in the Legislature. The hon. gentlemen who take that ground must remember that it is looked upon as a breach of privilege for the Sovereign or his representative, to take any cognizance of matters transpiring in the Legislature which do not come before him officially; and this Bill never did come before the Governor in a proper manner. It is just one of those measures which peculiarly require the approval of the Governor. It proposed to impose heavy burdens upon certain municipalities, and it was, besides, a case of *ex post facto* legislation. There had been contracts made between the Legislature—one may put it roughly in that way—and certain municipalities of the Province of Quebec. Those contracts provided that on certain conditions the municipalities might grant certain sums of money to aid the railways. The conditions on which the grants were contingent had not been fully carried out; and then the Legislature, one of the parties to the contract, undertook to step in and to say, by this measure, that, although they had not per-

formed their part of the contract, the other parties to it were obliged to carry out their portion. Now, that was a measure of a very objectionable character. It took away from those municipalities their right to go before the Judges and have the question decided. In the United States, amongst other safeguards against improper legislation, they have for the whole country and for each individual State, a constitution which cannot be over-ridden by the Legislature; and we find in every one of those constitutions a provision that the Legislature shall pass no *ex post facto* law, nor any law affecting the validity of contracts. Here we have a measure of that obnoxious character, introduced without the approval of the Lieutenant-Governor, and never sanctioned by him. It will be very hard for any one to persuade the electors of Quebec that, in insisting that such a measure as that should be submitted to them, the Lieutenant-Governor has done something deserving of disapproval—something, as was said in another place, which would hand his name down to everlasting infamy. It has been said that the submission of this question to the people will have a bad effect. If the Governor is right—as I hold he is—in dissolving the House, then the appeal to the electors cannot have a bad effect either in the Province of Quebec or elsewhere. The case which recently occurred in the Colony of Victoria, has been cited by the hon. gentleman from Kingston; and he read an extract from the *Saturday Review* to show that Sir George Bowen's course in that crisis was approved of in England. The full details of the case have not yet been received: the information has been conveyed chiefly by telegrams; and it can hardly be quoted as a precedent; but I should like to read from another English paper, which, I think, the hon. Senator should regard as a better authority than the *Saturday Review*, and which, I believe, is recognized as the organ of the Conservative Party in England. I find the following in the *London Standard* of March 20th:—

“The only points deserving of consideration in this country are short, simple, and intelligible. Was Mr. Berry justified in using his power, as Premier, to coerce the Council by sudden, sweeping and startling dismissals of

judicial officers, and other public servants of long standing? And was Sir George Bowen justified not only in sanctioning this revolutionary action, but in laying down the principle that, as a constitutional ruler, he had no choice save to follow the 'advice' of his responsible Ministers? These are really very plain questions, upon which intelligent and impartial persons can form opinions for themselves, without needing any special knowledge of Colonial politics. It is evident that if Mr. Berry's conduct be recognized as consistent with constitutional principles, and if Sir George Bowen's docile attitude be accepted as the type of a Colonial Governor's duty, we must modify all our pre-existing notions of Constitutional Monarchy, as practised in this country and her dependencies, and as fortified by the opinions of the most eminent statesmen, dead and living, of both parties. Sir George Bowen has justified his acquiescence in the measures already carried out, by the statement of the broad principle that he is bound to follow the advice of his responsible Ministers; and if this be so, he will, no doubt, consider himself authorized to sign orders for disbanded the police and opening the gaols, should Mr. Berry think it right to recommend those acts of retaliation upon the criminals who have delayed the enactment of the Payment of Members Bill. Does Sir George Bowen really agree with Mr. Berry? If he does, his recall is inevitable. If he does not, why should he surrender that right of exercising his judgment, in reference to executive business, which writers on Constitutional law have always claimed for the British Crown, and which has frequently been enforced by British Sovereigns?"

The *Standard*, in speaking that way, agrees with the *Pull Mall Gazette* and almost all the leading papers of England. The hon. Senator on this side of the House who seconded the resolution (Hon. Mr. Bellerose) referred to certain declarations as to liberty made by Mr. Letellier when he was a member of this House, and the conclusion drawn by the hon. Senator was that the Lieutenant-Governor did not believe in his own expressed opinions as to liberty. I think Mr. Letellier has shown the greatest love of liberty by not allowing the majority in the Legislature to override the will of the people, and to permanently injure the Province, without giving the electors a chance to express their opinion on the matter. The hon. Senator from Richmond made a speech, which, as far as I can remember, did not contain a single reference to any authority. It was made up chiefly of rather uncharitable suggestions as to the motives which actuated the Lieutenant-Governor. For instance, he said, amongst other things, that he would not assert that the Lieutenant-Governor had set a trap for his Ministers.

Hon. Mr. Power.

It reminded me of the facetious advice, "Don't nail his ears to the pump!" It implied very strongly indeed that he had set such a trap. The hon. Senator from Montreal (Mr. Trudel) told us that Mr. Letellier had been appointed for the purpose of destroying the Ministry. That also was a statement not justified by the facts.

The resolution before the House does not show any sufficient reason for interfering in the domestic affairs of the Province of Quebec. It is a very mild resolution, like the motion made in the other House. Now, supposing that this resolution were adopted, and it were well founded, what would be the consequence? Simply nothing. If it is to be of any use, it should go a little further, and state that the Lieutenant-Governor should be recalled, or make some decided recommendation. It should censure the Governor if he has done anything wrong; and if he has done nothing wrong, this House should not interfere in the matter at all. I think this is not the most suitable time or place for introducing such a resolution as this. From the speeches made on both sides of the House, I think it is manifest that we are a great deal too near, both in time and space, to the scene of action in the Province of Quebec, to judge as calmly and deliberately as we should in order that our judgment should be of any value. There can be no doubt that the Governor acted within the sphere of his constitutional power. Whether his action was wise or not, is another question, with which, I think, we have nothing to do. In the interests of the Dominion, I think any interference with the local affairs of the Provinces by this Parliament is to be deprecated, because, as was said on the other side, one of those days it may be the turn of Nova Scotia or New Brunswick, or some other Province, to be involved in some such difficulty as this; and the interference of this Parliament could have no good effect. It should be our duty to uphold the authority of the Lieutenant Governor, if we had any duty at all to perform in this matter. This resolution proposes a censure, for which there is no precedent or authority to be found anywhere; and it proposes, also, though less directly, to interfere with the right of the people of Quebec to settle this question to suit themselves.

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. POWER—It seems to me that, when hon. gentlemen opposite come to think over the matter, if they could only separate themselves from the party feelings that are necessarily involved in a case of this kind, they would see how extremely unwise, improper, and decidedly unconstitutional it is, on the part of this House, to interfere, in any way, with the elections now going on in the Province of Quebec.

Hon. Mr. KAULBACH—In rising to speak on this question, I hope I shall not unnecessarily occupy the time of the House. I am struck by some singular remarks made a moment ago by my hon. friend who has just taken his seat. He lays down the singular proposition that it would be a breach of privilege for the representative of the Sovereign at Quebec, to take notice of what is done or passing in the Legislature, except what is officially communicated to him. Such a proposition is so inconsistent even with the complaint of the Lieutenant-Governor, that I cannot conceive that my hon. friend is serious when he advances it. Day after day the Lieutenant-Governor was supplied with copies of the votes, minutes and proceedings, orders of the day, and measures of the Legislature; he had every opportunity, officially, day by day, to make himself acquainted with the course of events, and doubtless he knew everything, and to say that he must ignore all this until he is officially notified, is to assert what is simply absurd and contrary to common sense, reason and practice.

Hon. Mr. POWER—See May, page 28.

Hon. Mr. KAULBACH—I cannot see the application. The King was supposed to be deaf to debates, but such was merely a fiction. He generally knew and heard too much. The reign of George III should not be quoted from now, in these days of popular rights and responsible government. The hon. Senator thinks it would be unwise for this body to pass an opinion on the subject now before us. Mr. Letellier must have felt his act was so unprecedented, and apparently such an outrage on responsible government, that it was necessary for him to explain his position to Earl Duferin, and

*Hon. Mr. Power.*

those explanations, together with the replies of the DeBoucherville Government, have been laid before us by message and address from His Excellency; yet we are asked to ignore this important question. Evidently the intention of the Governor-General was that we should not be restrained from expressing an opinion upon the subject, and it is strange doctrine to say that this Parliament should not condemn the improper acts of its own commissioned officer. I can concur in the view of the hon. Senator from Halifax, that there is no precedent for a matter of this kind. I believe there is none, because such a tyrannical exercise of the prerogative and right of the Crown, was never before heard of. Here we find a Government supported by two-thirds of the House of Assembly, and almost unanimously by the Legislative Council, dismissed upon a simple question of legislation, which had passed both Houses, and which has since been sanctioned and approved of by their successors, and even by the Lieutenant-Governor himself, who refers it for the pleasure of His Excellency. The hon. gentleman may search English history in vain, even as far back as the reign of the Stuarts, for a precedent to justify such a despotic act. It is painful to witness the manner in which the hon. Secretary of State and his supporters have endeavored to gloss over this whole matter. Their insincerity has been marked and unmistakeable. I contend that the prerogative of the Crown is quite different from the constitutional right of the Crown. An act of the Crown might be sustained in a court of law as the legal prerogative of the Crown. Yet, in its exercise it might be very unconstitutional. The prerogative of the Crown, we find, can, as in this case, be exercised in the most unconstitutional way. You can find no case, even in the reign of George the Third, where a Ministry has been dismissed in consequence of its legislation. The difficulty and dissension have nearly always arisen in the exercise of administrative powers. The hon. Senator from Halifax has cited several precedents, not one of which, I unhesitatingly assert, meets the case before us. The right to dissolve Parliament is one thing, and the right to dismiss a Ministry having the confidence of both branches of the Legislature, is another.

other. Except in the reign of George the Third, whose tyrannical exercise of the prerogative of the Crown independent of the advice of his Ministers, resulted in the loss of the American colonies, there are no precedents in the history of parliamentary government for the despotic act of the Lieutenant-Governor of Quebec, and if he, or any other Lieutenant-Governor, were allowed to continue in such a course unchecked, and the people's liberties rudely trampled on by a partizan Governor, the most deplorable consequences might follow. The prerogative of the Crown, in the abstract, we do not deny, but we have ample authorities to show, that it dare not with impunity or safety to the Crown itself, be exercised tyrannically; that the prerogative itself must be advised and directed by the Ministry which represents the people, and cannot be exercised in an arbitrary and capricious manner. It is, happily, true, that under our glorious Constitution, the King reigns, but it is equally true that the Ministers govern, and we say "the King can do no wrong," because he acts upon the advice of his Ministers, who are alone responsible. He may, and does confer with and advise them, and give his opinion, but he carries out their policy and supports their views, not his own, and if the King's prerogative is misused, the Ministers are condemned, not the King. Like George the Third, we find Mr. Letellier determined not only to reign, but to govern, with strong party prejudices such as he possessed, and could not disguise. Anxious, no doubt, to surround himself with his own friends and partizans, we find him, I say, tyrannically exercising the sovereign power and insisting that he shall rule, and the Government of the day must submit to him. I think the hon. Senator from Kingston, has, by numerous and reliable authorities, proved incontrovertibly what we all approve and agree to, that the representative of the Sovereign should hold himself above party and administer the Government on the advice of his Ministers. The Lieutenant Governor complains that he had not the confidence of his Ministers. Such might have been required under the feudal system at the times of the Plantagenets, when the wish of the Monarch was the first consideration. That is exactly what the ambitious, jealous and

arbitrary George the Third complained of. They—the Lieutenant-Governor and George III—agree exactly in their wish to reverse the order of things. That they should direct the policy and legislation of their Ministers. They seemed to think that the Ministry should be advised by the Crown instead of the Crown being advised by the Ministry, and if the Ministry did not submit, they should be suddenly thwarted opposed and dismissed. An attempt has been made to justify the act of the Lieutenant-Governor on the ground that the legislation to which he objected would have placed a heavy burden on the people. Yet, strange to say, he tacitly consented to and saw that legislation go on, the bills passing daily before him, without warning or suggesting anything, and then, after all is done, and the legislation is completed with his seeming approval, he suddenly turns upon them and dismisses them. It has been clearly shown that the subsidies to which the legislation related had been granted two years before, and the policy of the Ministry not only seemed to have the approval of the Lieutenant-Governor, but previously had received the sanction of the people at the general election. There was no new burden placed upon the people, and the wisdom of the legislation is admitted by the fact, that it has the approval of the new Ministry chosen by the Lieutenant-Governor, and has been adopted by the new Ministry and sanctioned by the Lieutenant-Governor himself, who only reserves it for the pleasure of His Excellency the Governor-General. It has been contended, that in view of the near approach of the elections in Quebec, this House should not express an opinion upon the matter. I say this is a constitutional question with which we have a right to deal, especially when it is brought before us by His Excellency. I believe this House is peculiarly adapted for discussing such questions, being free from party bias to a large extent, and from the motives which necessarily influence the other branch of the Legislature. We are not here under the control of party leaders, and we are free to act under a sense of the duty we owe alike to the country and to the crown—to the people and to the Sovereign—to preserve the liberties of the people and to guard and protect the Constitution under which we live. The hon. Secretary of State failed to express an opinion as to

whether the act of the Lieutenant-Governor was wise or unwise, constitutional or unconstitutional, and his reticence is tantamount to condemnation of the Lieutenant-Governor. The hon. gentleman talked of the English constitution and of its *lex non scripta*, but he surely did not wish to convey the idea that the Crown by our British North America Act granted and conveyed greater powers than what the Crown itself possessed. He surely will not contend that the 63rd clause gives power to dismiss a Ministry; it simply declares how the Executive Council shall be composed in Ontario and Quebec. And the 65th and 66th clauses of the British North America Act leave not the slightest doubt as to the powers, authorities, functions and duty of the Lieutenant-Governors. Those clauses provide that those powers shall be exercised "with the advice or with the advice and consent of" or in conjunction with the respective "Executive Councils." These clauses plainly show that Lieutenant-Governors must be governed by the advice of their Ministers, and the 66th clause says: "The provisions of this Act referring to the Lieutenant-Governors-in-Council shall be construed as referring to the Lieutenant-Governors of the Provinces, acting by and with the advice of the Executive Council thereof."

Hon. Gentlemen—Hear, hear.

Hon. Mr. KAULBACH—Are responsible Ministers to be reduced to the level of mere lacqueys? Is the Lieutenant-Governor to be guided by the advice of his responsible Ministers having the confidence of both Houses of Parliament? If not, then away goes responsible government. Ministers become a mere form, and responsible government worse than a farce. If we have no right to question the conduct of a Lieutenant-Governor, where else does that right rest? The Government, I contend, that appoints a Lieutenant-Governor is in some measure responsible for his acts, and silence may endorse his acts. He is a commissioned officer to administer the law, and under the 59th section of the "British North America Act" he shall hold office only during the pleasure of the Governor-General, and can be removed from office at any time on cause assigned. We are told by the Secretary of State that we are not to be governed by British pre-

Hon. Mr. Kaulbach,

cedents, but by the British North America Act. I invite hon. gentlemen's attention to that Act, to the very first page of it, which shows that these Provinces were to continue to be governed by British principles. The very first clause of the preamble to the British North America Act declares that this country must be governed by the principles of constitutional government as it exists in England. The words are, "with a constitution similar in principle to that of the United Kingdom." It cannot be admitted for a moment that the Lieutenant-Governor possesses greater powers than the Crown or the Governor-General, appointed directly by the Crown, enjoys. The hon. Secretary of State evidently knew and felt the force of the constitutional principles as exercised as well as enjoyed everywhere by British subjects under the British flag, as well as the arguments of my hon. friend from Kingston, and the precedents and authorities cited by him. He had to fall back, as I have already shown, upon an isolated section of the British North America Act, which, he asserted, seemed to give the Lieutenant-Governor of Quebec power to call to his council anybody he pleased. That is all right on the forming of a new Ministry, but we must read the Act as a whole, and read in that way, and regarded in that light, it gives no such power as that which has been exercised by the Lieutenant-Governor of Quebec, to any representative of the Sovereign. I shall not say one word with regard to the capacity and fitness of the late Ministry to govern the Province. The hon. Secretary of State said we ought not to discuss this question, and yet he was the very first to allege that the Quebec Government were corrupt and extravagant, that they were over-taxing the people, and, therefore, that the Lieutenant-Governor was justified in exercising his prerogative. When my hon. friend spoke in that strain I fancied he forgot for the moment the Province of Quebec, and was thinking of the disastrous position of affairs nearer home; of his own incapacity, by which I mean the unfitness of his colleagues for the offices which they fill, of the extravagance and corruption apparent in the public affairs of the Dominion under the administration of the present Government. He talks about debt; is not

our indebtedness rapidly increasing? He talks about extravagance; do not the inquiries into the public expenditures of the Dominion daily show that what is worse than extravagance is steadily increasing? He talks about financial difficulties; have we not impaired our credit, and are we not loaded down with annual deficits? He talks about increasing taxation; has not ours been increased since the advent of the present Government to power? If the Lieutenant-Governor for such reasons would have been justified in dismissing his Ministry, is it not the duty of the Governor-General to dismiss the Administration whose incapacity, waste, and extravagance, bordering on corruption, have so seriously impaired the prosperity of the Dominion? The hon. Senator from New Brunswick (Mr. McClelan) cited the case of Governor Gordon as a precedent for the act of Mr. Letellier. The hon. gentleman and the present Minister of Marine and Fisheries were members of the Government which was at that time forced to resign, and they, with the present Speaker of the House of Commons, and others, and their organs, denounced the conduct of the Governor in unmeasured terms. Even to this day they declare his conduct was guilty of moral turpitude. Even to this day they declare his conduct was brutal, tyrannical, and wholly unconstitutional. They have never retracted it, yet they are bold enough to cite that case as a precedent. Their position then was that the Government, having a majority in the Lower House, ought to retain office. But there was discord between the two branches of the Legislature, and a great Imperial measure, on which Ontario, Quebec, and Nova Scotia had pronounced favorably, was before the public. The Administration of the day in New Brunswick interfered with the success of that Imperial measure, and, under the circumstances, Governor Gordon did not dismiss them—but they resigned, a new Ministry was formed, and the Legislature dissolved. The conduct of the Governor was sustained at the polls, and met with the approval of the Sovereign. But here is a case in which no Imperial policy was involved, and not of resignation, but of dismissal of a Ministry with large majorities in both Houses, and the formation of a Ministry from a minority who have been given all the influence and power of the

*Hon. Mr. Kaulbach.*

Government to aid them in the coming elections. The two cases are so dissimilar that I wonder my hon. friend from Howell attempts to draw a parallel between them. It only further shows to what extremes they are driven to excuse the act of the Lieutenant-Governor.

At six o'clock the Speaker left the chair.

AFTER RECESS.

Hon. Mr. KAULBACH resumed his speech. He said:—At recess I was about referring to the remarks of my hon. friend from Prince Edward Island. In his efforts to sustain the conduct of the Lieutenant-Governor of Quebec, he was forced to go back a century or more for precedents. Not satisfied even with the prerogative which the Stuarts exercised and strained so far that it snapped asunder, and for which they were held personally responsible, and resulted, in one instance, in the King losing his head, and, in another, in the King losing his crown, and their families being proscribed forever; he had, like others, to find precedents in the exceptional reign of George III. If he had gone farther back to the time of William III, he would have found the power was in the people, by Ministers responsible to them only and to Parliament for their acts. If he had taken extracts from May's Constitutional History, he would have found that author throughout has laid down the doctrine that, except in the reign of George III, of the twenty years of "King's Craft," and of the Stuarts, the Parliament has ruled since the days of the Plantagenets, and the Crown has been subject to the advice of its Ministers, representing a majority in Parliament. The hon. gentleman would have found few, if any, cases in which the Sovereign had exercised the prerogative of dismissing his advisers, unless it was in some matter vitally affecting not merely the power of the Crown, but the very existence of the Crown itself. Let us turn to the reign of William III, and we find the theory of Ministerial responsibility reduced to practice. May says of that reign:—

"The Government of the State was conducted, throughout all its departments, by Ministers responsible to Parliament for every

act of their administration, without whose advice no act could be done, who could be dismissed for incapacity or failure, and impeached for political crimes; and who resigned when their advice was disregarded by the Crown, or their policy disapproved by Parliament. With Ministers thus responsible "the King could do no wrong." If the prerogative was strained, Ministers were condemned and not the King. If the people cried out against the Government instead of a revolution, there was merely a change of Ministry. Instead of dangerous conflicts between the Crown and Parliament, there succeeded struggles between rival parties for parliamentary majorities; and the successful party wielded all the power of the State. Upon Ministers, therefore, devolved the entire burthen of public affairs; they relieved the Crown of its cares and perils, but, at the same time, they appropriated nearly all its authority. The King reigned, but his Ministers governed."

That principle of Ministerial responsibility was known and recognized as far back as the seventeenth century. Although the King was the head and reigned, the people's rights were to govern through the Ministry. My hon. friend, in order to find a case of dismissal, went back to 1784, to the time of Pitt's Government, and to 1807, when another great constitutional question was pending. But if he had given us the whole of that he would have found that the House of Lords were opposed to the representative body; that they were not in harmony with the House of Commons, and had defeated them upon the Indian Bill. The Crown did not venture to dismiss the Ministry until they had been defeated in the House of Lords, upon that Bill being introduced by Mr. Fox. With the permission of the House I will read from May's edition of 1871, page 147-8, to justify my review of the cases given by my friend, (Mr. Haythorne):—

"In 1784, when George III. had determined to crush the coalition Ministry, he did not venture to dismiss them, until they had been defeated in the House of Lords upon Mr. Fox's Indian Bill. And again, in 1807, the Ministers were at issue with the King upon a grave constitutional question, before he proceeded to form another Ministry. But here it was not directly alleged that the Ministers had lost the confidence of the King; and so little could it be affirmed that they had lost the confidence of Parliament, that an immediate dissolution was counselled by the new Administration. The act of the King bore too much the impress of his personal will, and too little of those reasons of State policy by which it should have been prompted; but its policy was so signal as to throw into the shade its unconstitutional character.

*Hon. Mr. Kaulbach.*

ter. But to resort to a similar expedient, when no danger threatened the State, merely for the purpose of concerting ministerial arrangements and party combinations—if justifiable on other grounds,—could scarcely be defended on the plea of precedent."

Therefore, even in the case of 1784, condemned by many writers, and entirely reprobated as it is by May, George III. would not dismiss his Ministers until such time as they were signally defeated on the Indian Bill introduced by Fox. That is the case which my hon. friend lays the greatest stress upon as a precedent, yet, not as a justification for the tyrannical conduct of Mr. Letellier. I will do the hon. gentleman the justice of saying he did not, after all, justify or concur in the action of the Crown in that regard. I should be sorry if he had done so, for, with his strong party feelings, there are mingled high-toned sentiments of right and duty which we all respect, and it would be a sad blow to liberty and responsible government in his Island should he attempt to reign as a despot, when he does, as he may yet do, fill as prominent a position in the Province from which he comes as Mr. Letellier now occupies in Quebec. Then my hon. friend took up the case of Sir Bartle Frere in the Cape of Good Hope, and endeavored to draw from it a precedent for the action of Mr. Letellier. But there is, and my hon. friend must have known that there is, a wide difference between the two cases. In the one, the colony was in danger of being overrun by savages. The Governor differed with his council as to who should command the defence force. It was a question who should command the forces, whether it should be in the hands of the regular military, or in the hands of the Colonial authorities. That was a matter peculiarly and thoroughly the prerogative of the Crown and the functions belonging directly to the Crown—because the Crown alone can call out the military, although the money must be voted by Parliament—that the Governor was clearly justified in maintaining the functions and dignity of the Crown inviolate in the course he pursued. I am sure that case also cannot be fairly regarded as a precedent for the action of Mr. Letellier, and it can be safely affirmed that there is no precedent for his conduct. I was impressed with the remarkable self-

assurance of my hon. friend from Halifax, who, with that becoming modesty which characterizes him, compared his own speech with the speeches of the leaders of the Opposition in both Houses, and took to himself the credit—and I believe he was perfectly sincere in his own belief—of having all the authorities and precedents on his side, and of having the best of the argument all through. He not only made that invidious comparison, but also showed, or at least alleged, that he had prepared his case in two hours, while the leaders of the Opposition had been engaged for several days, to his own knowledge, in collecting the information furnished in their speeches. I think it would have been better, after all, if the hon. gentleman had taken more time in preparing and condensing his subject, and perhaps he might have found better precedents. I never saw a more signal failure to bring conviction to the House. It was no fault of his; he evidently did all he could, but his precedents were all at fault. He showed us that several dissolutions had taken place under peculiar circumstances, but he failed to find one where, upon a question of legislation, when both branches of Parliament were strongly in favor of it, and supporting the Government of the day, that the representative of the Sovereign took it upon himself to dismiss the Ministry. I say it, after careful investigation, he can find no writer of English constitutional history who shows a case similar to that which is now under discussion—a case in which the government of the day, supported by a two-thirds majority in the Lower House, opposed by only a few members of the Upper House, enjoying the confidence of the Legislature and of the people for ten years, with their legislation approved of by both Houses, dismissed summarily and a Ministry from the minority called in to take their places and an appeal to the people made under such circumstances. If any hon. gentleman can show us a precedent for anything like that, I should like to hear it. George III refused to take the advice of his Ministers, and his very first Speech from the Throne when he assumed the Crown of England, was prepared by himself and Lord Bute, and delivered without consultation with any of his responsible advisers. When he commenced his career in such a

despotic manner, without the advice of his Cabinet Council, and in a manner unknown under our system of government, and which only a despot would use, what could have been expected from him in later years? He was jealous of every other power but his own. He claimed all power in himself, disregarded the counsels of his Ministry and his duties as a constitutional monarch, and claimed to be paramount and beyond the representatives of the people. It is only in his case that anything approaching a precedent can be found for the conduct of the Lieutenant-Governor of Quebec. Wherever the hon. Senator finds that principle as practised in the reign of George III referred to in May, he will find on the next page the condemnation of it, showing it was wholly contrary to the precedent established by William III; showing that it was tyrannical and injurious to the nation, and by means of which England lost her prestige, as well as her American colonies. I will read in support of that view of the conduct of George III from pages 51, 13, 55 and 59 of May:—

“It was not the mere rumor of the streets that the King was his own Minister; the fatal truth was evident in every circumstance of the war carried on against America and the West Indies. It was the King's object not merely to supplant one party, and establish another in its place, but to create a new party, faithful to himself, regarding his personal wishes, carrying out his policy and dependent on his will. This ‘influence behind the throne’ was denounced by all the leading statesmen of the time—by Mr. Grenville, Lord Chatham, the Marquis of Rockingham, the Duke of Bedford, and Mr. Bourke. The Marquis of Rockingham described the system of Government pursued since the commencement of the reign as a ‘a prospective system’—a system of favoritism and secret influence. Mr. Fox imputed all the defeats and disasters of the American war to the influence of the Crown. But what has been the result of 20 years of King's Craft? Whenever the King's personal influence had been the greatest, then had been the fiercest turbulence and discord among the people, the most signal failures in the measures of the Government, and the heaviest disasters to the State.”

This is the reign from which we find the supporters of Mr. Letellier have chiefly drawn their precedents, and supported their arguments, and yet with all the tyranny and abuse of the power of the Crown which mark that reign, the hon. gentleman from Halifax has failed to show

us such a gross case of the exercise of the prerogative as was lately exercised in the Province of Quebec. That hon. gentleman at last came down to the case of Lord Mulgrave at Halifax. When we come to look at that instance we find the facts to be as follow: The Governor says "I have the prerogative of the Crown, but I use that prerogative under the direction and advice of the majority of the people, as represented in Parliament." He did not say that he would go back of that and see whether the Legislature represented the majority of the people or not. Seeing the Liberal party had four of a majority, although it was strongly questionable whether that majority was legal or not, he clearly laid down the principle that he was not to consider such a question, but was bound to submit to the voice of the majority of the people, as represented in the Legislature. If the hon. Senator takes that case as a precedent, he signally fails in justifying the conduct of the Lieutenant-Governor of Quebec. The hon. Senator also referred to Todd in support of his view of this question. I dare say, if I had time to look through that author, I would find—as in the case of May—that where such precedents are shown, they are condemned, and my friend must know that the same author has lately written a pamphlet condemnatory of the action of the Lieutenant-Governor. If the conduct of Mr. Letellier is sustained, it reduces the Ministry to the mere servant of the Lieutenant-Governor. The whole power is taken from Parliament. Yet, we are told, although he is a commissioned officer of this Parliament, we should not, after the question is brought before us in a legitimate way for our consideration, say anything about it, but that we must leave it to the people. Such a course would be puerile in the extreme. Some of the most important measures, not only in England, but in this country, have been introduced in advance of the people and public opinion, and under such circumstances, if the Sovereign had taken the high-handed course of dismissing the Ministry and dissolving Parliament, it would have endangered such legislation as the Corn Laws and other great measures, and proved detrimental to the best interests of the people. But in this case which we are now considering, we find the Province of Quebec put to the ex-

*Hon. Mr. Kaulbach.*

pense of forty or fifty thousand dollars for a general election, which must be followed by an extra Session of the Legislature, at the cost of a hundred thousand more; and all this loss, with the hundreds of thousands of dollars lost by the delay in constructing the railway, is sustained by the people through the tyrannical action of the Lieutenant-Governor. The very act for which he condemned his Ministry has been adopted by their successors and by himself, reserved only for the pleasure of His Excellency. I say, under such circumstances, we would be recreant to our duty if we allowed such an unconstitutional precedent to be established for Lieutenant-Governors in the future, which would be destructive to responsible government in this country. I will once more and for the last time, refer to May, on pages 162-3, showing the influence of the Crown and the wise exercise of prerogative from the beginning and during the reign of Her Gracious Majesty Queen Victoria:—

"From this time no question has arisen concerning the exercise of the prerogative or influence of the Crown, which calls for notice. Both have been exercised wisely, justly and in the true spirit of the Constitution. Ministers enjoying the confidence of Parliament, have never claimed in vain the confidence of the Crown. Their measures have never been thwarted by secret influence and irresponsible advice. Their policy has been directed by Parliament and public opinion, and not by the will of the Sovereign, or the intrigues of the Court. Vast as is the power of the Crown, it has been exercised, throughout the present reign, by the advice of responsible Ministers in a constitutional manner and for legitimate objects. It has been held in trust as it were, for the benefit of the people. Hence it has ceased to excite either the jealousy of rival parties, or popular discontents. This judicious exercise of the royal authority, while it has conducted to the good government of the State has sustained the moral influence of the Crown; and the devoted loyalty of a free people, which Her Majesty's personal virtues have merited, has never been disturbed by the voice of faction."

How much better it would have been for the Lieutenant-Governor and the people of Quebec, had this noble example of our beloved Queen been followed. If the resolution now before us is not adopted, every Lieutenant-Governor might consider himself beyond the control of those who appointed him. We have a right to consider and it is our duty now to consider what has precipitated the election in Que-

bec, whether it was constitutionally brought about, or whether it was a violent abuse of the executive prerogative, and an attempt to disgrace a Ministry strong in the affection of the people; whether an outrage on Parliament should be shielded by the Crown—acts which the Crown itself in our day would not dare to exercise. The right of representative majorities is a right that the people will not surrender. Governors must be made to know and understand that the safeguards that surround our Constitution cannot be trifled with, and that they must be advised by those to whom the people have entrusted their rights and liberties. If Governor Letellier had sufficient reason to believe that his Ministry had forfeited the confidence of the people he should have requested a dissolution. But in taking the unprecedented course of dismissal, he arrogated to himself powers not his own, and took to himself a Ministry from the minority who never had and were not likely to have, the confidence of the Legislature. Thus he violated in the most high-handed and arbitrary manner the rights and liberties of the people secured to them under responsible government.

Hon. Mr. FABRE—It must strike the impartial hearer that on this question both parties have somewhat changed their relative positions. One would think, at first sight, that we are the Conservatives and that our opponents are the Liberals. Unfaithful to their principles, the Conservatives are trying their best to restrict the power of the Crown, which we Liberals are called to defend. We are not accustomed, either here or elsewhere, to see the Conservatives uphold with such vigor the rights of the people. It cannot be disputed that if in England to-day the doctrine set forth by the leader of the Opposition (Mr. Campbell) is followed, it is not due to the Conservatives, who have at all times struggled against any restriction being put to the power of the Crown. Nor has it been different in this country, and if to-day we enjoy responsible government, it is not due certainly to the Conservatives of old times. They battled to the last to build on this continent the old fabric of privileges that was falling to pieces in Great Britain. They have long tried to establish here a kind of administrative aristocracy, and to put the

Hon. Mr. Kaulbach.

people under the yoke of despotic governors and of petty aristocrats. When my hon. friend from Arichat (Mr. Miller) speaks in such eloquent terms of our past struggles for liberty, he forgets that he is attacking the memory and lowering the deeds of the political ancestors of the hon. Senator for Kingston (Mr. Campbell), who would certainly not have recognized a true Tory in the moderate, rather sceptical and too liberal speaker that we heard yesterday. If from the outside world, I limit myself to my own Province, the difference between the real principle of our Conservative friends and their present professions, is still more striking. The school to which the hon. Senator who seconds the motion belongs (Mr. Bellerose) and to which the hon. Senator who was to second it (Mr. Chapais) belong, is not only Conservative in the accepted sense of the world, it is reactionary. It would abolish, here and elsewhere, self-government if it could be done, and bring us back to the good old times when the hon. leader of the Opposition would have been put to the *Bastille* for his radical and seditious speech. I deny to such a school the right of speaking of constitutional freedom except to curse it. On the other hand, we Liberals are perfectly consistent, though at first sight it may look strange to see us fighting in favor of the power of the Crown against its usual partizans. We admit that Governor Letellier has used a power that can be of use only in exceptional circumstances, and under the pressure of a great public want; that under all circumstances the exercise of this power must be viewed with a great deal of jealousy. But we may say this also, that in some cases the Crown may be, has been the protector of the people against an ambitious and tyrannical aristocracy in past times, against bribed Parliamentary majorities in modern times. The Crown, or the nominees of the Crown may be the defenders of popular rights against the elected representatives of the people; and when this body opposes the policy that prevails in the other House, which it does so often, it is because it really believes that the Senate represent more fully public opinion than the popular branch. If the Senate did not believe so, and sincerely, it would abstain, I am sure, from obstructing the measures

passed by the great majority of the other House. Well, Governor Letellier stood somewhat in relation to his late advisers, and to the majority of the Local House, in the position you would hold towards the present Liberal Government and the present House, if you had the power of dismissing the one and of dissolving the other. Can any one say that, if you had that power, you would not have used it? Governor Letellier has used the power which he undoubtedly possesses, and calls on the people to decide the question between his present and his late advisers. He has done so, because he felt that the Local Legislature was under the influence of railway rings; because the Legislature adopted a legislation that the leader of the House (Hon. Mr. Angers) admitted himself would be a disgrace to the Province; because the credit of the Province, and of the two great cities of Montreal and Quebec, was going to be ruined by the placing upon the market bonds amounting to more than two millions of dollars, signed, not by the usual authorities, by the Mayors, but by assignees under fear of the Sheriff, as if the Province and the cities of Montreal and Quebec were in bankruptcy. The blow was a severe one, and so severe that, in the mind of many of us, sincere friends of the Province, it leads to complications and embarrassments that might eventually bring us to the ruin of that provincial independence which the hon. Senator from Arichat has said must be dearer to us than to any of the other Provinces. You may think that Governor Letellier was wrong, because he was not in the same position as we are. You did not feel as we do the necessities of that position, because you were not to be subjected to legislation of such a character, that it would not be submitted to by any other people, and that its author himself was obliged to admit to be a disgrace to the Province. As I have already said, you may under these circumstances, think that Governor Letellier was wrong. We feel he was right; we feel that having no conceivable personal interest in the matter, he has exposed himself to criticism, to bitter criticism, to the blame of such a body as this whose opinion must always have a great weight with him who has been so long a member of it; and that only for the country's sake. For this, as

*Hon. Mr. Fabre,*

friends of the Province, we are grateful to him. A man of less manliness, though seeing the danger to which our Province was exposed, would have kept aloof from the responsibility of such a crisis and let the country suffer. He, a true patriot, a true Liberal, has renounced the calm and quietness of his official position; he has risked his fair fame to do what he believes to be in the interest of the people. For this the people of our Province is grateful to him and will show it at the polls; for this manly act he is entitled, not only to the approval and support of his friends, but also to the respect of his opponents. It is not my purpose to treat at length the constitutional question; but I cannot help submitting to the hon. Senator for Kingston, some doubts that have arisen in my mind in listening to his very able and moderate speech. He has admitted himself that there was great inconvenience in pronouncing an opinion on this question when the elections were proceeding in Quebec. With his acute sense of political proprieties, he has felt that it was a strange thing to see the Federal Parliament pronouncing an opinion at the very time when the people of the Province are called to do so; and he has tried to relieve himself of that reproach by saying that the inconvenience would be still greater to establish a precedent such as this. I doubt it. It seems to me, first that this House specially runs a great risk in throwing itself into the arena now open, with the only advantage of pronouncing an opinion, which can have, in the midst of the electoral agitation, but little effect, with the chance of seeing it set aside by the people of Quebec. It seems to me also, that it has a dangerous precedent to establish, far more dangerous than to let the thing go without comment in this House, to interfere by a vote of censure here against the Lieutenant-Governor when the elections are proceeding. It is a direct interference in our local affairs, in violation of the spirit of our institutions, and to the great detriment of provincial independence. If you interfere to-day in such case, when you have no interest in the matter, won't you be tempted to interfere in other cases when you will have a pressing and direct interest to do so? I say, let the Lieutenant-Governor and the people settle between themselves the question in the set-

tlement of which they only are directly interested. By interfering you will create a dangerous precedent in the Confederation from which you may suffer hereafter. Since I am on this subject, I will put to the Honorable Senators simply this question: Do you believe that if a Governor-General had acted as Governor Letellier did, the Imperial authorities would, supposing that they thought he was wrong, censure him openly as you propose to do by this motion, on the eve of the general elections? No, they would abstain, thinking it highly improper, and believing that more harm would be done by the censure at such a moment than by the establishment of a precedent, however objectionable. The hon. Senator from Kingston has made little of the case of Lord Palmerston. With all due deference, I think that more significance ought to be attached to it. Here is a man of the great ability of Lord Palmerston, considered one of the first diplomats of Europe, who is obliged, on entering office, to promise by writing that he will on all occasions consult the Queen on foreign affairs, and submit to Her Majesty the drafts of his dispatches in time for full consideration. Certainly, it was more humiliating for a man of Lord Palmerston's character and special qualifications to submit to this, than for M. DeBoucherville to advise Governor Letellier of his doings in time for consultation. And why was a man like Lord Palmerston dismissed? Simply because he had expressed in an informal conversation an opinion on French affairs. Certainly, this looks strange in this liberal age, though Lord Palmerston admits himself that the practice in England is "that no important political instruction is ever sent to any British Minister abroad, and no note addressed to any foreign diplomatic agent without the draft being first submitted to the head of the Government, in order that the pleasure of the Crown might be taken upon it; and if either the higher authority or the Prime Minister suggested alterations, those alterations were made, or the dispatch was withheld." It is interesting to see what the leader of the Conservatives, Mr. Disraeli, said on the occasion of the explanations given in the House of Commons on this singular incident, and to recommend his words to the hon. Senator for Kingston: "I think it," said Mr. Disraeli, "one of

*Hon. Mr. Fabre.*

"the great misfortunes of our time, and "one most injurious to public liberty, that "the power of the Crown has diminished." Would it be considered presumptuous on my part if I ask the Conservatives of this House to listen to the voice of their great English leader, and to remember that in his estimation the great misfortune of our time, and one most injurious to public liberty, is that the power of the Crown be diminished, as it is sought to be done in the Senate. Of all the incidents of the case, as presented to us both by Mr. Letellier and Mr. DeBoucherville, I propose to recall only one that seems to me sufficient to show in what manner the late advisers of the Lieutenant-Governor understood their duty towards him. As the hon. Senator from Kingston recalled it, the blank sent by Mr. Letellier from Riviere Ouelle was to apply to a measure of finance, evidently meaning by that the usual estimates; but it was applied to the railway resolutions, which could scarcely be called, as it was apparent from Mr. Campbell's own explanations, a measure of finance. Certainly this was a worse proceeding than the private conversation of Lord Palmerston with the French ambassador. The resolutions having been presented without his consent, what had Governor Letellier to do? He could not ask his Ministers to withdraw them. He had nothing left but to refuse its sanction to them, and to submit the question to the people, as Governor Manners-Sutton did in New Brunswick, and, I hope, with the same satisfactory result.

Hon. Mr. WILMOT—It was not my intention to have troubled the House on this subject, as it has been very fully and ably discussed by hon. members on both sides, and from my long intimacy and friendship with the Lieutenant-Governor of Quebec and the gentleman he called upon to take the responsibility of his action—and there is no man in the Dominion for whom I entertain greater respect and esteem—I felt a delicacy in the matter; yet as the circumstances connected with the dissolutions in the Province of New Brunswick, in which, as an adviser of the Lieutenant-Governors in both cases, I took a part, have been referred to in this debate, I feel it incumbent on me, throwing aside all personal considerations, to give the reasons for the vote I shall give.

The question of constitutional government is before the House, and we have to deal with it, and my hon. friend from Kingston, in moving the resolution, has given a clear, concise and lucid statement of what is now considered in Great Britain as the true constitutional policy. The last case that occurred in that country of the dismissal of a Government by the Crown was by William IV in 1834, when the late Duke of Wellington undertook the formation of a Government, but in that case, after the meeting of Parliament, a dissolution took place, and the country returned a majority against the Ministry, condemning the extreme use of the prerogative in dismissing a Government possessing a majority in Parliament. The circumstances in New Brunswick were different, for in both the cases referred to the Administration of the day tendered their resignation. The first case was in 1856, under the Lieutenant-Governor, the late Earl of Canterbury, at that time Mr. Manhers-Sutton, who had himself for a number of years been a member of the British House of Commons, and whose father for a length of time had been Speaker, and he was consequently well versed in the constitutional practices in the Mother Country. He brought under the notice of his advisers, by a memorandum which I will refer to, the subject of the Prohibitory Liquor Law, which at the time was causing a great deal of agitation in the Province, and numerous petitions had been sent him requesting that the House should be dissolved, and the sense of the people taken upon it. In the memorandum alluded to, he said:—

“ This Act has now been legally in operation or some months; but practically it is wholly inoperative. For, although liquors can no longer be imported through the Custom House, and the revenue suffers in consequence, it is a notorious fact that liquor is sold with impunity although in violation of the law, in every part of the Province.”

He says again:—

“ If the Prohibitory Law be capable of enforcement, the Executive Government is bound to enforce it, for it is their special duty to uphold the authority of the law.”

And further:—

“ In the opinion of the Lieutenant-Governor, Hon. Mr. Wilmot,

the remedy for the existing state of things is by an appeal to the people, as both the supporters and opponents of the law claim a preponderance of public opinion in favor of the views which they respectively advocate.”

To this the advisers of His Excellency demurred, and after considerable correspondence His Excellency directed the Provincial Secretary to prepare a proclamation dissolving the House. On that, the Government resigned, and a new Government was formed who took the responsibility of advising the Lieutenant-Governor to dissolve the House and appeal to the country. The result was that only two members of the new House voted against the repeal of the Act, and my hon. friend from Albert (Mr. A. R. McClelan) was one of them. In the case referred to, I very reluctantly consented to become a member of the Government, as I thought it rather a stretch of power to dissolve the House when the Government of the day was sustained by a majority, but I was induced to do so by the advice of many of my influential supporters. My hon. friend (Mr. McClelan) and the Liberal party generally charged our Government with an act of despotism, and with having dragged the prerogative in the mud. But in this case the Lieutenant-Governor left to his advisers the opportunity of dissolving, and they were not dismissed, but resigned. I, as Provincial Secretary, countersigned the proclamation dissolving the Assembly. The second case was in 1866, when Mr. Arthur Gordon was Lieutenant-Governor. After the election of 1865, I was called upon by the Lieutenant-Governor, in conjunction with the present Minister of Marine and Fisheries, Mr. Smith, to form an Administration. I had not been opposed to a union of the North American Colonies, but to the financial terms agreed upon at Quebec, and that I was correct in my opinion has been proved by the legislation that has occurred since, and when the Canadian Government proposed to open negotiations on the subject, I differed from my colleagues, a majority of whom were opposed to reopening the question, and consequently resigned my seat in the Executive Council. Governor Gordon again brought the subject before his Council, and the Legislative Council having passed an address in an answer to the speech, favoring

Confederation, the reply of Governor Gordon to the address, gave umbrage to his Council, and after a lengthy correspondence they resigned. His Excellency then called upon my hon. friend from Westmoreland (Mr. Botsford) to form an administration, and he advised His Excellency to intrust the formation to me, in conjunction with the Hon. P. Mitchell, and a government was formed on the basis of Confederation. We all know the result. When the election took place we were sustained. The distinction between those cases and what has occurred in Quebec is, that in both cases the existing governments were offered the opportunity of dissolving, but declined and tendered their resignations. It is true that the Government of the day were sustained by a majority in the House of Assembly; but in the Quebec case, while the Government was sustained by large majorities in both Houses, it was dismissed without any opportunity being given to them to appeal to the country, a most marked and important difference, and not in accordance with my views of constitutional and responsible government. It certainly is rather an anomalous position in which parties are now placed. The Liberal party who have always professed to be great sticklers for the people ruling by a majority in the democratic branch, are ready to justify a stretch of the prerogative of the Crown, that would not be sustained for a moment in the Mother Country, and it is left to the Conservative party to uphold the principles of responsible government. But even if the electors in the Province of Quebec, justify the Lieutenant-Governor, I doubt whether it would be a precedent that will govern in any other Province of the Dominion. Holding these opinions I shall vote for the resolution of the hon. member from Kingston.

Hon. Mr. PENNY—We are all of us pleased, on all occasions, to hear the hon. gentleman from Kingston, whose moderation, good taste, and good nature are always strikingly exhibited when he addresses the House; and, in general, his arguments are put with a great deal of fairness, and with force which carries conviction to those, at all events, who are disposed to be convinced by his mode of argument. But on this occasion we must

*Hon. Mr. Wilmett*

all have noticed the laggard expression, very uncommon with him, which conveyed to my mind the impression, not that he did not speak from conviction, but that his conviction was rather the result of acting powerfully on his intelligence than from the spontaneous formation of opinion from the process of reasoning. If I understand his arguments and quotations aright, the result of them all was this: that the Lieutenant-Governor or the Sovereign in the last resort, is incapable, constitutionally, or with propriety, of dismissing any Ministry as long as it enjoys the confidence of the majority in Parliament. That, I think, further implies, not only that he cannot dismiss his Ministry by the direct act of dismissal, expressed in so many words, but that a resignation cannot be forced by the rejection of Ministerial advice; for if the Chief Magistrate shall refuse to accept the advice of his Ministry, and shall persist in acting in opposition to that advice, they must resign, which, to my mind, amounts to the same thing as telling them to go about their business. I can see no difference between the two cases, nor can I see any propriety in the distinction which the hon. gentleman drew between legality and constitutionality, when he said that a Chief Magistrate can do a thing legally, but cannot do it constitutionally. That reminds me very much of the story of the Prince who was also an archbishop, and who, when he swore, did so, not as an archbishop, but as a Prince. If a King can dismiss his Ministry, it matters very little whether he does it legally or constitutionally, if he can do it properly. I was particularly interested in the hon. gentleman's statements about the crisis during the time of Lord Metcalfe. The reason why I felt so interested in it is because, in this House, and in the other House, there are still a few veterans who took a leading part in the political discussions of that day. They have all condemned, and those who are in the Senate, are going, I am afraid, to vote a censure on the Lieutenant-Governor of Quebec, though, without exception, they supported Lord Metcalfe's dismissal of his Ministers which the hon. member for Kingston now declares to have been unconstitutional, but which, at the time, they considered to be a very constitutional proceeding. At that time the right hon. gentleman, who is

now leader of the Opposition in the other House was one of Lord Metcalfe's ministers.

Hon. Mr. CAMPBELL—I understood the hon. gentleman to state that he never served under Lord Metcalfe. Lord Elgin was the first Governor he served under.

Hon. Mr. PENNY—I think that is correct; but, at all events, it was the continuation of the Ministry who took office under Lord Metcalfe; he went out when the Liberals came in, and he was one of that Ministry who supported and sustained Lord Metcalfe's unconstitutional actions—as my hon. friend from Kingston now regards them. I was very much surprised, as I know the hon. gentleman is well acquainted with the history of this country, that he should express an opinion that the action of Lord Metcalfe was disapproved of by the Imperial Government, and by Lord Grey, as the then Secretary of the Colonies.

Hon. Mr. CAMPBELL—I said I understood it was in a work of Lord Grey on Parliamentary Government.

Hon. Mr. PENNY—Well the fact is the Imperial Government not only did not censure Lord Metcalfe, but they thoroughly approved of his conduct. I have made a considerable number of extracts from "The Life of Lord Metcalfe," but I will not trouble the House with more of them than is necessary to support my position. The only one, therefore, that I will refer to is a letter from Sir Robert Peel to the Queen :—

"Sir Robert Peel, with his humble duty to your Majesty, begs leave to submit for your Majesty's favorable consideration, the claim of Sir Charles Metcalfe, for some distinguished mark of your Majesty's approbation. Lord Stanley is strongly impressed with the belief that such a proof of your Majesty's confidence and favor would greatly strengthen him in the execution of his arduous task, were it announced at the eventual crisis of the opening of the Canadian Legislature."

That, I think, establishes the point that the Imperial Government did not think it proper to censure Lord Metcalfe for his course, although, in my opinion, Lord Metcalfe was in the wrong.

Hon. Gentlemen—Hear, hear.

Hon. Mr. PENNY—I think he was  
*Hon. Mr. Penny.*

wrong, and I do not hesitate to say so; but I will tell hon. gentlemen why. I do not think he was wrong in dismissing his Ministry, but he was wrong in interfering with and embarrassing the subsequent expression of the will of the people. That is why I consider George III. and Charles I. were also wrong. In the case of Charles I., he was wrong in dissolving Parliament, because he did so with the intention never to call them together again; and in the case of George III., he was wrong in dismissing his Ministry, or in refusing their advice, because he wished to rule by intrigues through the House of Lords, and otherwise by falsifying the true expression of the wishes of the people. There are some men, as I have already said, still living who took part in the conflict between Lord Metcalfe and his Ministry; and one of them is a gentleman who has served in a great many capacities in political life. He was a Minister under Lord Metcalfe, and was dismissed by him; he was a member of the Ministry that took office after Lord Metcalfe was recalled; and he was a member of the late Ministry in conjunction with the hon. gentleman opposite, (Mr. Campbell.) He also served for several years as Governor in possessions of the Crown. I refer to Sir Francis Hincks. That hon. gentleman ought to be looked upon as an authority on constitutional practice by this House, and I must confess I was surprised that the hon. gentleman who had been a colleague of his only a short time before—a gentleman who knew how much he had written on this subject—not only did not attempt to refute him, but absolutely took no notice of him whatever. I did not suppose, taking the course that he has done, that the hon. gentleman opposite approved of Sir Francis Hinck's opinions in this matter, but I did imagine that those opinions would be entitled to some notice at the hands of the leader of the Opposition; I did think that the hon. gentleman should at least have attempted to controvert them.

Hon. Mr. CAMPBELL—I did not care to mention Sir Francis Hincks because the articles attributed to him appeared in a commercial journal of which he is reputed only to be the editor, but I supposed, and I still suppose, I answered his arguments.

Hon. Mr. PENNY—To show that Sir Francis is not now contending for any new principle, but for a principle which he contended for during the time of Lord Metcalfe, I shall read an extract from the writing of a gentleman who is well known by reputation, and who was personally known by many hon. gentlemen during his life-time, when he was associated with Sir Francis Hincks, and was Speaker of the House when that gentleman came into power. I refer to the late Hon. A. M. Morin. He said :—

“The Governor, in the same way as the Sovereign in England, must not identify himself with any party. If he will not act with the Ministry, he must appeal to the people of the Province by means of an election. If the decision of the people is against him, he must submit or resign.”

It may surprise some hon. gentlemen to see how very much like that is to the remark of Gambetta, who said of another ruler who was supposed to have acted in an unconstitutional manner, that after the appeal to the people, he must *se soumettre* or *se demettre*. That is a very significant paraphrase on the words of Morin, and it is the constitutional formula. Sir Francis Hincks was of the same way of thinking, and he gives us this account of his own sentiments at the time he was combatting with Lord Metcalfe. It will be seen, therefore, that what he says now of the present crisis is no new principle with him :—

“No pretention was ever set up in those days by the Reformers of the Lafontaine Baldwin school that they would act independently altogether of the representative of the Crown, whereas, the Quebec Ministers have acted, possibly from inadvertence or inexperience, in a manner wholly at variance with the practice in England since the introduction of Parliamentary Government.”

I have shown I think, that some of the veteran politicians of Canada formerly sustained what they are now about to say is very unconstitutional practice on the part of the Lieutenant-Governor of Quebec, and the hon. gentleman behind me (Mr. Wilmot) who is a veteran from another Province is going to do the same thing, and yet he tells us that he himself was one of a government which took the responsibility when Mr. Sutton dismissed a Ministry, which like the

Hon. Mr. Penny.

Ministry of Mr. DeBoucherville had a majority in the Legislature. I heard hon. gentlemen cheer that hon. gentleman's statements. The hon. gentlemen have their own opinions of course; but that seems to me to be a remarkably inconsistent position. The hon. gentleman from New Brunswick (Mr. Wilmot) however tries to make a distinction between the action of Governor Sutton in New Brunswick, and that of Lieutenant-Governor Letellier. He says, Mr. Sutton said to his Ministry “I want you to dissolve the House” and they did not do so; while in Mr. Letellier's case that option was not given, but they were summarily dismissed. But does anyone suppose that if Mr. Letellier had said to Mr. DeBoucherville “You must dissolve the House” that the Premier would have had so tame a spirit as to dissolve on such a command. By no means; I think he would have said “We shall not dissolve the House,” or “we shall not take your advice to advise you to dissolve the House,” and in that case he would have had to resign just as the Ministry in New Brunswick resigned. The best proof that the Ministry of New Brunswick were driven out by Lord Sutton is this: the Governor said to his Ministers, “Gentlemen, your business is to resign!” At first they hesitated to do so, and it was only by what is called in Quebec *force brutale* that he at last got them out. Hon. gentlemen who will take the trouble to look over the records will see that that was the case. But there is the fact: we have a gentleman who says the Lieutenant-Governor of Quebec has acted unconstitutionally in dismissing a Ministry having a majority in Parliament, while he himself went in and sustained a Lieutenant-Governor who had done precisely the same thing. There is another point in which the hon. gentleman perceived a difference between his own conduct and the conduct of Mr. Joly. He says Governor Sutton saw the propriety of getting some one to advise him before turning out his old Ministers. I suppose Mr. Letellier did the same thing. I suppose he knew that Mr. Joly was going to advise him before he turned out his Ministers.

Hon. Gentlemen—Hear, hear.

Hon. Mr. PENNY—According to the

hon. gentleman's (Mr. Wilmot's) own statement Governor Sutton accepted the resignation of his Ministers, but retained them until others were appointed, as others had to be appointed before they could advise him. There was, therefore, really a period when Governor Sutton had no real advisers in the ordinary sense of the word.

Hon. Mr. CAMPBELL—But the hon. gentleman says Mr. Letellier must have known that Mr. Joly was going to advise him before he dismissed his Ministers. I should like my hon. friend to clearly state that the Lieutenant-Governor must have known that.

Hon. Mr. PENNY—I am not stating a fact, but drawing an inference. I am stating what seems to me to have been probable, and I say that in the New Brunswick case there is no hon. gentleman in this House who believes that Governor Sutton did not know that he was going to be supported by new Ministers before he dismissed his old ones. To suppose otherwise would be to suppose that he was more fit to be an inmate of a lunatic asylum than of any other institution that I know of. I had made a large number of extracts from authorities in support of the principle that a Chief Magistrate can dismiss his Ministers if it be to make a *bona fide* appeal to the people, for it seems to me that the value of those propositions must depend very much upon the authority we derive from books; but my hon. friend from Halifax has gone over that ground so thoroughly as to render it unnecessary to repeat it. I am glad the quotations are put upon the record, and that having been done, I shall not trouble the House any longer with them. There is one extract, however, of which, I think, no notice has yet been taken. It relates to a case which must be considered a modern one. We have been told that there has been no dismissal of a Ministry since 1840, and that in the face of the dismissal of Lord Palmerston. A writer in the "Current Events" of the *Canadian Monthly*, remarking on this event, says that if Lord Palmerston had been Premier the same thing would have happened, and that then the whole Ministry must have gone; and in speaking of the position of the Crown with reference to its advisers, in discussing this very case, Lord Russell

Hon. Mr. Penny.

says, as extracted in the *Canadian Monthly*:—

"When the Crown, in consequence of a vote of the House of Commons, places its constitutional confidence in a Minister, that Minister is bound to afford to the Crown the most frank and full detail of every measure that is taken, or to leave the Crown its full liberty, a liberty which the Crown must possess, of saying that the Minister no longer possesses its confidence."

The most remarkable thing about the dismissal of Lord Palmerston—which was a direct dismissal, as he was not asked to resign—was that there had been a manifestation of the will of Parliament immediately before, and he had a large majority supporting his policy, upon the particular point upon which his dismissal turned. On this the writer from whom I am now quoting says:

"It also so happens that just before the royal memorandum was penned, the House of Commons after a debate—memorable as the occasion of Sir R. Peel's last speech, only a few hours before the fatal fall from his horse—had distinctly expressed its approval of Palmerston's foreign policy, by a vote of 310 to 264."

So that it will be seen from this, that the Queen dismissed a Minister who just before that had had the highest manifestation of the fact that he had the confidence of Parliament. There is another parallel between this case and the one before us, that the writer of this article draws in a marginal note:

"The case of Lord Palmerston is cited from Mr. Todd's valuable books; but one circumstance is omitted that renders it peculiarly apposite to the present discussion. The royal memorandum was written not in 1852, but in 1850. On receiving it, Lord Palmerston had said "I have taken a copy of this memorandum of the Queen, and will not fail to attend to the direction it contains." In less than eighteen months he repeated his offence and was dismissed. Singularly in November, 1877, according to Mr. Letellier, the ex-Premier of Quebec having been remonstrated with for acting without the sanction of the Crown, promised that it should not occur again. Early this year he was once more treading on unconstitutional ground."

There is, therefore, a wonderful parallelism between those two cases. The hon. gentleman, further to support his extraordinary pretension, read from a speech of Lord Dufferin's delivered at Halifax, in which he spoke very highly of the authority of Parliament, and expressed in general terms that he would

be governed only by the authority of Parliament; but here is what Lord Dufferin says, in a pamphlet, in which there is an extract from that very speech—the pamphlet containing his despatch to the Secretary of the Colonies on the Pacific Scandal:—

“Of course it was always open to me to have dismissed my Ministers, and have taken my chance of Parliament approving my conduct.”

I suppose, also, that the parties who drew up the instructions to the Governor-General—which includes Her Majesty herself to some extent—must have been aware of what the Constitution is, and it will be seen from them, the Governor-General is authorized to exercise his authority in opposition to the advice of his Ministers. But if he does so, he practically turns them out, for if they do not go out under such circumstances, they would be the tamest souled Ministers that this Dominion has ever had, or I think ever will have. I think the House now has had ample authority upon our side. Lord Grey has been quoted by my hon. friend to sustain his own opinion, and we have had Lord Grey's opinion on the other side. The same thing has been done with Hearn, who has been made, by one hon. gentleman, to contradict an opinion that was attributed to him by another. So it is with Lord Derby, who was quoted as giving instructions that seem to sustain the opinion that a Ministry were never to be dismissed so long as they had the confidence of the majority in Parliament; but we have also had Lord Derby quoted to the contrary effect. In opposition to all this mass of authority for the right of the Sovereign to dismiss her Ministers, there is one quotation from Bagehot which I am bound to admit was very emphatic and very good for the purpose for which it was made—that is, if Bagehot is good authority. But what I would like to know is, when we are quoting Bagehot, why we should overlook Charles Lindsay, Editor of the *Canadian Monthly*, a gentleman who has taken a leading part in the politics of this country, and Sir Francis Hincks and Mr. Todd. Bagehot tells us, however, as plainly as all the rest of the writers on the constitution, that the King used to dis-

Hon. Mr. Penny.

miss his Ministers; but then he says that is never going to happen again, that it is just, as likely that Primrose Hill will burst out into volcanic action as that the Queen should dismiss her Ministry if they enjoy the confidence of the House of Commons. But as Her Majesty dismissed Lord Palmerston I see no reason why she should not dismiss some one else. Macaulay and other writers tell us what has been and is. Bagehot informs us what will be. Now, Macaulay asserts that the constitution of Great Britain is built up upon precedents. The hon. member, however has changed all that and taking Bagehot for his guide bases it on prophecies. That, I think, is the difference in the position taken by hon. gentlemen opposite, supported by Bagehot and his prophecies, and ours on this side who are satisfied with precedents. But for all I can see Bagehot's prophecies are about as valuable as those of Dr. Cumming or Johanna Southcote. None of us know what is to happen in the future, although we all know petty well what has happened in this matter in the past. For my part, I can hardly understand how it is possible to say in the same breath that a Chief Magistrate has the right to exercise a discretion and yet that he must never exercise it. And as to the apparent contradictions of the writers on the constitution there is after all no difficulty in reconciling them. We have on the other side a number of general propositions such as describe the leading principles upon which the power of the Crown is usually exercised; on our side there are exact and specific descriptions of what that power consists of. I think the true explanation of the manner in which those writers have spoken of the necessity of the Chief Magistrate being guided by the majority of the Legislature in the choice of his Ministers arises from this simple fact, that in the majority of cases it is assumed, and justly assumed, that the majority in Parliament represents the majority in the country. I think it is a fair assumption, but as a matter of fact there are many cases in which it is not so. In the instance before us, the Lieutenant-Governor acted under the discretion vested in him to judge whether the Legislature was or was not truly representative of the people. He acted at his own peril, so to speak, when he dismissed his Ministers, and his punishment will be that he must be placed in a humili-

liating position if he has made a mistake, and has acted contrary to the wishes of the voters who will then send the late Ministers back again. Now, let me ask what has been the conduct of the British Government in dealing with crises in the colonies? Before doing so, however, let us look for a moment at what must happen on such an occasion in England. Has any one of the ousted Ministers in England ever gone with his complaints to any higher authority than the Queen? Why there is no such authority. Does any hon. gentleman suppose if Mr. De-Boucherville had been an English Minister he would have found any authority to which he could complain of his dismissal? No, he would in that case have had to fight it out with the people of England, and the people here must be the tribunal of final resort, as they are there. In England an ousted Ministry can have no grandmama, no big brother to fall back upon, and therefore, if there is anything of that sort here, it is something more than, and different from that which they have in the Mother Country.

Hon. Mr. CAMPBELL—It is one of the advantages pointed out by Lord Grey as existing in a colony.

Hon. Mr. PENNY—Lord Grey may have thought it an advantage; other people are free to think it a disadvantage; but be it one or the other, we have always prided ourselves on having an exact transcript of the British Constitution, and and this fifth leg that some gentlemen think we ought to import into our constitution is plainly not part of that of England, and would be a very inconvenient limb, in my opinion at least. The British Government in dealing with colonial crises, have acted upon the principle that a defeated Ministry must take its chances with the people, and this policy has been pursued in all such cases. Todd mentions eight of those crises, not including the one of Sir Bartle Frere, which makes the ninth. There have been various circumstances attending them, some of one kind and some of another; but no case can be shown where the British Government has interfered or disapproved of the conduct of the Governor. It approved of the conduct of Lord Metcalfe, Lord Head, Lord Mulgrave, Mr. Sutton, Mr. Gordon, Mr. Bowen, and in

*Hon. Mr. Penny.*

the same way, more recently, it approved of the conduct of Sir Bartle Frere. The Crown will therefore go on approving of the action of Governors and Lieutenant-Governors as long as they grant a free and full expression of the will of the people, and submit themselves accordingly. My hon. friend from Kingston mentioned one case which seemed at first sight to be a contradiction to this—the case of Mr. Eyre. But Mr. Eyre's misconduct was not misconduct of a constitutional nature. He suffered the censure of the Crown because he decreed that men who were supposed to have been guilty of certain offences should be taken from the ordinary jurisdiction of the courts, and they should be handed over to a court-martial. In one case the trial was proceeded with without counsel being allowed to be heard for the defence. That was the case of Mr. Eyre, and it certainly was not a case of disagreeing with his Ministers. On the contrary, he yielded, unfortunately, to the panic that seized them, and acted with them, even against the dictates of common justice and humanity that should distinguish British statesmen. The course of argument I have adopted will show that I am not disposed to discuss the propriety or impropriety of the Lieutenant-Governor's course. I think it is a matter for the people of the Province of Quebec, but I should say it was a very unwise course if I looked at it from a party point of view. The fact is, if those gentlemen who were dismissed had been let alone they would have died out most effectually, but, as it is, they will go out with a halo of martyrdom about them in the opinion of partizans, whose opinion is all martyrs can hope for. If the Lieutenant Governor had acted in the interests of party he would have, as I should certainly have done, let those gentlemen go on in their own course, and I have no doubt that they only needed a very short time to have disposed of themselves with very much less trouble than we are going to have with them at present. But the Lieutenant-Governor had to act, and he did act in the interests of the people, as we all heard remarked by a very distinguished nobleman in this Chamber of the duty of public men, with very little regard to what might be thought about it. My hon. friend from Kingston in the early part of his remarks told us that, as

a Conservative, he was disposed to stand upon the side of authority. As a Conservative, if he would take the humble advice of a Liberal, I would recommend him to stick to that rule. It seems to me the Conservatives are never strong on constitutional questions; they proved it in the case of Lord Metcalfe; they proved it still more fully in the case of Sir Edmund Head, and my hon. friend behind me has proved it in the case of New Brunswick, supposing the theory of my hon. friend from Kingston is to be accepted as correct. Those gentlemen, like some others who have grown wiser by years, desire to gain a reputation for reform at the expense of younger men who perhaps, have not had the same experience in the world, and, in this case, at the expense of the reputation of the Lieutenant-Governor. It seems to me they are unable to comprehend the true principles of constitutional government. They seem to have taken a great deal of trouble with it, but they have learned it only as the sorcerers learned the Lord's Prayer—to say it backwards. Amongst other reasons that led me to this conclusion, was what seemed to me to be a very strange expression of opinion from hon. gentlemen, that the elections that were coming on would certainly settle this question so far as the people of Quebec were concerned. We were told that the election will obliterate any offence that this action of the Lieutenant-Governor may have caused to those who chose to be offended at it in the Province of Quebec; but then we were told that the rest of the people of the Dominion had something to say about it, and that the offence to them would still remain, even after the election, and no matter how the election may go. Now, responsible government is supposed to be government according to the well understood wishes of the people: but of what people? The people of the Dominion, or the people of the Province of Quebec? We were told that the people of the Quebec might settle this affair to their own satisfaction, without aid; but it seems the people of the Dominion are to be very much affronted after all is said and done. I should like to know if the Government of the Province of Quebec is to be carried on according to the wishes of the people of the Province, or is to be carried on according to the wishes of the people of the Dominion? If it is to be carried on ac-

Hon. Mr. Penny.

ording to the wishes of the people of Quebec, then the whole thing, by the consent of honorable gentlemen opposite, is already disposed of, and that is just what we have the right to expect from constitutional government. If the Federal Government, on the contrary, can be called upon to adopt such a motion as is now before the House, the inference to be drawn is that it can be called on to interfere by orders of a positive kind. If we can say to the Lieutenant-Governor, "you have done wrong because you have committed this act," we can also say to the Lieutenant-Governor, "you have done wrong because you have omitted some other act, and then we can direct him to do it. I think it is under such a principle that the local institutions of this country will be for the first time really in danger. For my part, I believe we are never constitutionally wrong in going back to the people, and I believe that the British Constitution has a much earlier origin than what is supposed by those who think it was never known until a few generations ago. I hold that our great poet, Shakespeare knew something about it when he made the King say to Warwick, who had asserted that even the prerogative came from the people :

" And therefore do I prize it,  
 " I should guard their liberties and they should  
 strengthen mine,  
 " But when proud faction and her rebel crew,  
 insult their Sovereign, trample on his laws,  
 and bid defiance to his power,  
 " The people then in justice to themselves,  
 " Rise to vindicate the rights they gave."

That, I believe, is the key-note of everything which we contend for on this side of the House. Without this power of the Crown, our Parliament would be like the Congress of the United States. It would have a term of years and have nothing to do but agree with the Ministers in order to be beyond the control of the people. We should then have, so far, a Republican Constitution; we should have a still closer resemblance to the constitution of certain assemblies that during the revolutionary times in France attempted to govern the country by committees of their own without any chief magistrate; we should have what never occurred in Great Britain, except during the time of the Long Parliament, and the Rump Parliament, which endeavored to gov-

ern without any chief magistrate, and without any chance of being dissolved by the lapse of time, since they had carried their usurpation in the direction of duration as well as of power. That, like all things of violent action, was followed by reaction, and the effect of such government is to produce rulers like Cromwell and Bonaparte—to give us Prides Purge or a Thermidor. On the other hand supposing that the Lieutenant-Governor has made some mistake, hon. gentlemen must be aware that by the first of May, without any drugs or stimulants, such as it is now proposed to apply, the constitution of the Province of Quebec will be just as well as ever. The scar will be healed, and nobody will be able to know that a wound had been inflicted. If Mr. Joly is sustained it will show that the Lieutenant-Governor was right; if Mr. DeBoucherville comes back to office, it will prove that the constitution provides a remedy for mistakes made in the working of it. The people in either case would be master, and will be all the more master because of the consciousness of having exercised a great act of sovereignty. The act that brings this about, constitutionally or unconstitutionally, is an entirely different one from that which under the name of prerogative, is employed to defeat the sovereignty of the people; as for instance, in the case of Sir Edmund Head, who having called a Ministry to his counsels, next day refused to accept their advice, and so prevented the people from expressing any opinion on the controversy which had been the cause of the new Ministers being summoned by him to his cabinet. The great fact is that the House of Commons or the Legislative Assembly, are not to be taken in all cases like the the people. The House of Commons and the House of Assembly, are constitutionally no doubt the representatives of the people, for the time being, but the people are there, and they may, as they frequently have been, called upon to decide whether the power of attorney which they have given is still to be held valid. The last resort in all those cases is, I repeat, the people, and the whole of this matter may be summed up in the paraphrase of some words of the Great Teacher to a sect of Purists, many centuries ago, when he said "The Sabbath was made for man and not man for the Sabbath." In the same

*Hon. Mr. Penny:*

way the constitution was made for the people and not the people for the constitution.

Hon. Mr. HAVILAND—At this late hour of the evening, I do not intend to detain the House, but I could not sit in my seat and listen to the misrepresentation of history made by the hon. Senator from Alma, relative to the dismissal from power of Lord Palmerston in 1850. The way I read history is: he was not dismissed by the exercise of the prerogative of the Crown, but by the Crown at the request and on the recommendation of the Premier of the day.

Hon. Mr. PENNY—Why did the Premier make the recommendation?

Hon. Mr. HAVILAND—We all know what the cause of that dismissal was. As the old phrase says: "There cannot be two Kings in Brentford." Lord Palmerston received deputations upon foreign questions without consulting the Premier or any other member of the Ministry—in fact he was a despot in the Cabinet—and in consequence of his acts at that time, Lord John Russell recommended Her Majesty to dismiss him. I will not give my own words for it, but I will quote from Molesworth's History of England—not the historian's version of it, but the statement made by Lord John Russell in Parliament, in reply to a question from Sir B. Hill:—

"The first important transaction in which Lord Palmerston took a part, since the end of the last Session of Parliament, was his reception of a deputation of delegates from certain metropolitan parishes respecting the treatment of the Hungarian refugees by the Turkish Government. On this occasion I thought that my noble friend exhibited some want of due caution, but I gave him the credit of supposing that this was through an oversight. The next occasion to which I think it necessary to refer relates to the events which took place on the 2nd of December in France. The instructions conveyed to our ambassador by the Queen's Government were to abstain from all interference in the internal affairs of that country. Being informed of an alleged conversation between Lord Palmerston and the French Ambassador, repugnant to their instructions, I wrote to that noble Lord, but my inquiries for nine days met with a disdainful silence, Lord Palmerston having in the meanwhile, without the knowledge of his colleagues, written a despatch containing instructions to Lord Normanby, in which, however, he evaded the question whether he had approved the act of the President. I consider the noble Lord's course of

proceeding in this matter to be putting himself in the place of the Crown, and passing by the Crown, while he gave the usual approbation of England to the acts of the President of the Republic of France, in direct opposition to the policy which the Government had hitherto pursued. Under these circumstances, I had no alternative but to declare that while I was Prime Minister, Lord Palmerston could not hold the seals of office, and I have assumed the sole and entire responsibility of advising the Crown to require the resignation of my noble friend."

Therefore it was not by the exercise of the prerogative he was dismissed, but on the recommendation of the Prime Minister because he had taken upon himself the powers and authority of the Government, and carried out his own views in direct opposition to the policy of the Administration, of which he was a member. He was dismissed at the request of Lord John Russell, and the Premier took the responsibility of it. Therefore, the precedent cited by my hon. friend from Alma is scattered to the winds. As to the case of Lord Metcalfe, there was very little known about responsible government in those days. It was merely the commencement of the experiment of responsible government. I must confess I am surprised when I look around this House to find the champions of pure and undefiled Liberalism are the Conservatives, and the champions of old Toryism and despotism are the Liberals.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HAVILAND—They say history repeats itself, and it certainly does. We know in the days of George III, when the Almighty in his wisdom thought fit to smite the King and to take from him his reason, when the Regency Bill was before Parliament, it was the Conservative party that checked and limited the power of the Prince Regent, and it was Fox and his party who desired to make him a despot. It was at the feet of a greater Gamaliel than my hon. friend from Alma—the late Joseph Howe—that I learned the principles of responsible government. His definition of it is a Government for the benefit of the people, as expressed through a majority of their representatives in Parliament assembled. I am surprised that we should find among the so-called Liberal Party such champions for despotism and irresponsible power—who would even give a Lieutenant-Governor

Hon. Mr. Haviland.

nor absolute control over the Province which he governs. I do not care for the point raised in another place, as to whether a Lieutenant-Governor's power is greater or less than that of the Governor-General, whose commission comes direct from England. I am willing to put them on the same footing, and I contend that, taking that view of it, hon. gentlemen opposite are prepared to give greater power to Lieutenant-Governors than the Queen herself dare exercise. I do not want to go into learned quotations, because I know the House is weary of them. We have had them from the hon. Senator from Halifax, until we could not understand the applicability of them to the question before the House; because sometimes his quotations were the very reverse of the opinions expressed by himself. There is one case which I will quote, and it is the only one I remember since 1830, where either the Governor or the King has ever exercised the prerogative of dismissing a Ministry which had the majority in Parliament,—that was the celebrated dismissal of the Melbourne Ministry in 1834 by King William IV. We know that is a precedent which is never likely to be followed again; we know at that time King William IV had strong views—old Tory views. After the passage of the Reform Bill, and the Ministry had been in power four years, he altered his mind very much, although he was the people's William at one time. The occasion selected by the King for dismissing the Melbourne Ministry was, when Lord Althorp, who was Chancellor of the Exchequer, was raised to the House of Lords, by the death of his father, and Lord Melbourne waited on the King and stated the changes he intended to make in the Ministry, in consequence of the vacancy of the Chancellorship of the Exchequer. His Majesty told him that he was of opinion that the business of the country could not be carried on by such a Ministry as it was now proposed to constitute, and that he had made up his mind to call in the Duke of Wellington. In that case, as in the present one at Quebec, there were advisers behind the throne; but the King took upon himself the responsibility of dismissing that Ministry. We know, according to ordinary constitutional rules, the Government of Wellington and Peel, who were then called to office, technically

speaking, were responsible for that dismissal; but how is that matter treated by history? Where is the responsibility put? These are the comments of Molesworth:—

“Such was the outcome of this attempt to force a Conservative Ministry on the country. The results were, the needless turmoil and expense of a hotly-contested election; a vast expenditure of money; a great loss of time wasted in party strife, which should have been devoted to public business; a diminution of the Liberal majority, and a proportionate increase of the Conservative Opposition; a consequent weakening of the Melbourne Administration, compelling it to seek strength and stability in a closer alliance with O’Connell and his followers. And now the question arises, who was really responsible for these mischievous results? On the principle that the King can do no wrong, the blame must be thrown first, on the Duke of Wellington, who consented to fill Lord Melbourne’s place provisionally, and, next, on Sir Robert Peel, who accepted it definitively, and accepted with it the responsibility of Lord Melbourne’s dismissal, as he himself honorably and frankly acknowledged. But history must not be arrested in its decisions by constitutional fictions. It judges Sovereigns as well as their Ministers, and, in this instance, it must condemn William the Fourth as having made an unwarrantable use of his prerogative, in order to transfer the Government of the country to the party that he personally preferred.”

That is exactly the case I contend that has arisen in the Province of Quebec. Mr. Letellier has dismissed his Ministry. It is like the old fable of “The Wolf and the Lamb.” He wanted an excuse to get rid of his Ministry in order that he might have M. Joly and the party with whom all his sympathies were, around him at his Council Board. The case of King William, whom Molesworth condemns, was mildness itself in comparison with the high-handed act of Mr. Letellier in dismissing his Ministers, because King William IV. did give a reason, to the effect that they would be too weak without Lord Althorp as Chancellor of the Exchequer, and there was no man in the Ministerial party to take his place and perform the duties and functions of that important office as efficiently as he had done. Here was a reason given, but I look upon the act of Mr. Letellier as the deepest stab that constitutional government has ever received. He dismissed a Ministry which had an overwhelming majority in the House of Assembly, and the almost unanimous support of the Legislative Council.

*Hon. Mr. Haviland.*

Where can we find a parallel for such a case? With regard to the precedent in the Cape of Good Hope, there were Imperial interests to be protected, and as an Imperial officer, Sir Bartle Frere occupied a two-fold capacity; he was the representative of the Sovereign, to guard Imperial interests, and he was also the Governor of the Colony. Let us see what the case of Mr. Letellier is in this Message that has been laid before us by His Excellency the Governor-General. You will see that, from first to last, he forgot the position which he occupied. Evidently, he was thinking of days gone by, when he was a Minister in this House, and thought he continued to be a Minister, instead of occupying the position of Lieutenant-Governor of a province. Instead of remaining passive and receiving the suggestions of his Ministers, he forced his own views upon them. I have not a shadow of a doubt as regards the vote I ought to give on this question. I have come to a conclusion on reading Mr. Letellier’s defence, as he terms it, without looking at Mr. DeBoucherville’s rejoinder at all. It is one of the most puerile documents in the shape of a state paper that I have ever heard of. It is a list of trifling complaints. One of his reasons is, that a Bill was passed with a blank, another that there was a grammatical error in some measure; and it is on such prettexts as these that he justifies his arbitrary conduct of dismissing a Ministry having the confidence of an overwhelming majority in both branches of the Legislature. It seems to me, from the very hour that he became the representative of Her Majesty, he had made up his mind to bring about the *coup d’etat* upon which we are commenting to-night. We are bound to speak upon this question. The reason given, that we ought not because a general election is going on in Quebec, is not sufficient. We have had state papers placed before us by His Excellency, and the intention undoubtedly is, that we should express an opinion upon them. And besides, have we not addresses from the late House of Assembly, and from the Legislative Council, asking us to look into this great constitutional question? It is our duty to deal with this matter, regardless of what may be the result of the elections which are now in progress in the Province

of Quebec. In this Dominion of ours, where Federal institutions are upon their trial, we want to define for the future guidance of Lieutenant-Governors, what their functions and duties are, while holding such responsible positions. It is not for the Province of Quebec alone, but for the seven or eight other Provinces of the Dominion, that we are asked to express an opinion to-night. If for one moment this act of Mr. Letellier's should be approved of by this House, we might at once haul down the great constitutional flag and give up the liberties which our forefathers fought for in the Mother Country, and in the Provinces of this Dominion, and at once look forward to having over us as a ruler, a despot like the Czar of Russia.

Hon. Mr. HOPE—I would like to ask hon. gentlemen opposite, before proceeding further, who it is that has requested us to interfere with the local affairs of the Province of Quebec? Who suggested such a thing? Because it appears to me they have responsible government in full operation in that Province, and we should find something else to do than interfere with the affairs of our neighbours. I think the people of the Province of Quebec are quite competent to take charge of their own affairs without the Senate of Canada stepping forward to give their opinion on the matters of that Province.

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. HOPE—The Lieutenant-Governor of Quebec appears to have had a misunderstanding with his Ministry; he has dismissed them, and called others to his assistance. He has not only done that, but he has appealed to the people of the Province of Quebec for their verdict upon his action. In doing that he has taken the only constitutional course open to him. It appears to me, that for this Senate to interfere with such an act, is a most uncalled for proceeding. The correspondence which the Lieutenant-Governor had with his late Ministry has been laid on the table of this House. And therefore, hon. gentlemen opposite say, we should take action upon it, but I do not see what action we are called upon to take. It is entered on the journals of the House and there it remains as part of the history of the day. But I think it would be a most uncalled for thing for us to attempt

*Hon. Mr. Hawiland.*

to deal with the internal politics of the Province of Quebec. I think the representatives of that Province might well ask us on what authority we undertook to do so, seeing that the Lieutenant-Governor has taken a strictly constitutional course in what he has done. We have heard a great many precedents quoted with respect to constitutional government. Had Mr. Letellier done as Lord Metcalfe did—dismissed his advisers and attempted to form another administration, and failed, as Lord Metcalfe did, and remained without a Ministry for some eight or ten months, and then appealed to the people—perhaps we might have had some reason for finding fault with his conduct. But Mr. Letellier did nothing of the kind. As soon as he had dismissed the old Ministry, he formed a new one, and dissolved the Legislature, and thus acted within the letter and the spirit of the Constitution. I think the late Government had a very inadequate idea of their responsibility, if we judge from the correspondence that took place between the Lieutenant-Governor and his advisers. For example, no Executive Councillor, no Cabinet Minister ought to have asked any Governor for a blank form to bring down money Bills, and no Governor should grant such a thing to any Ministry. And if he did do so, he might expect it would be abused, as it was in this instance. With regard to the remarks made upon the case of William IV. in 1834, I remember the circumstance well. But there is no similarity between that case and the present one. The King dismissed the Ministry because the Queen hated and feared them, and he assigned no reason for what he did, but after the struggle of a general election, he was compelled to take back the Ministry he had dismissed. But in this case there was legislation of a most objectionable kind—legislation that struck at the interests of the great commercial centres of Lower Canada, and the Lieutenant-Governor, in the strict exercise of his constitutional duties, determined that he would not sanction such legislation. What then could be more uncalled-for and absurd than for this House to step forward, under the circumstances, and say to the Lieutenant-Governor, "You shall not do anything to disturb the Conservative majority in "Lower Canada?"

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. HOPE—I think our duty is, to do nothing in the way of interfering with the local affairs of the Province of Quebec, but to allow the people of that Province to settle their difficulties themselves, and I have confidence and faith enough in the intelligence, public spirit, and patriotism of the people of Quebec to believe, that they will see that their affairs are properly conducted without the aid or the assistance of the Dominion Parliament.

Hon. Mr. GIRARD—My intention at first was not to take part in this discussion, but the peculiar position in which I stand as a French Canadian impels me to say a few words before the debate closes. The hon. Senator from Hamilton says, this House has nothing to do with this constitutional question. That is a matter of opinion. It seems to me we have everything to do with it, because the country expects an expression of opinion upon great constitutional questions from this hon. body. Petitions have been sent here from the Legislature of Quebec representing certain facts, and we have had messages from His Excellency, the Governor-General, laid before us, and, naturally, we are expected to pronounce our opinion upon the question. We would certainly be guilty of dereliction of duty if we failed to pass an opinion upon the action of the Lieutenant-Governor. Quebec Province is agitated from end to end by the action of Mr. Letellier. I regret that I am obliged to say anything against that hon. gentleman. For a long time he was a member of this Senate, and I cannot forget what he did in the past in the interest of Manitoba, when the people of that Province stood in need of relief. On all occasions he was a friend to the Province from which I come. However, I am obliged to say I consider he has misused the prerogative of the Crown in dismissing his Ministry. He did not give them the consideration to which they were entitled. This is not a question of Ministries. Mr. Joly's Ministry can perhaps govern the Province of Quebec as well as Mr. DeBoucherville's did. But the question before us is, whether the prerogative of the Crown can be exercised in an arbitrary and tyrannical way. The late Government of Quebec had the confidence

*Hon. Mr. Hope.*

of both branches of Parliament. The Legislature represented the people, and the Lieutenant-Governor, under our system, of responsible government, was bound to accept the decision of the majority, and act upon the advice of their representatives. We have had many precedents cited in this debate, but they all date back to the time when responsible government had not been established and understood as it is to-day. Since 1841, the principle has been affirmed time and again, that the representative of the Sovereign must administer the affairs of the country he governs on the advice of a Ministry enjoying the confidence of a majority of the people's representatives. The Lieutenant-Governor may, under certain circumstances, force his Ministers to dissolve the House and appeal to the people. If Mr. Letellier had done that, I think he would have shown greater respect for constitutional government, and given satisfaction to the people of Quebec. But, instead of taking that course, he dismissed the Ministry, and the reasons he gives for his conduct are such as might be expected from a schoolboy when taken to task by his father for misconduct. He is forced to admit, in this case, that he believes the late Ministry acted in good faith throughout, and this, once admitted, removes all ground for his arbitrary action. I have been a witness of the struggles which have taken place in the Province of Quebec from time to time for the extension of our liberties. I would ask my hon friends from Quebec, if Bedard, Lafontaine, Papineau, and others to whose efforts we are indebted for the constitutional privileges which we enjoy, could be called upon to take part in this debate, do they suppose those great men would countenance the conduct of Mr. Letellier?

Hon. Gentlemen—Hear, hear.

Hon. Mr. GIRARD—I am sure they would not; and I think the Province of Quebec will, under the present circumstances, vindicate the rights and liberties which Mr. Letellier has done so much to destroy. The Lieutenant-Governor pretends to say that the prerogative of the Crown was in danger. I would like to know in what way? It was for the Ministry to frame a policy, and as long as that policy met with the sanction of the people's representatives, and the people them-

selves, it was the duty of Mr. Letellier to have assisted his Ministry to carry it out. Great as the injustice to the Ministry was, a greater injustice has been done to the people. The electors will have an opportunity to vindicate their right, but I say it was not fair to the Ministry to give a minority in the Legislature all the advantages which the possession of the Government affords to a party in a general election. I heard the hon. Senator from Montreal quoting the words of Gambetta to the President of France—"Resign or submit." They had a perfect application to the position in which the Lieutenant-Governor of Quebec should have stood towards his Government. He should either have submitted to their advice or ceased to govern the Province. In any event, the utmost he should have done was to force them to appeal to the people to ascertain whether their policy met with the approval or disapproval of the Province. The position in which he stands is unconstitutional, and I do not believe there is another Province in the Dominion in which such a thing could be done—not even in Manitoba, small as our population is. Two years ago the Ministry in that Province resigned. I had the honor at that time to have the greatest part of the responsibility in that Government, and the Lieutenant-Governor did not allow me to resign until after the new Government was formed. I can say with confidence that such an error as Mr. Letellier has committed would not have been tolerated in any other part of Canada. Knowing as I do the ability of the Lieutenant-Governor of Quebec, I cannot believe that he has pursued such a course without an object, and that object is evident. As has been asserted by many hon. gentlemen in this House, he dismissed the Ministry for the purpose of helping his friends to get into power. I would like to think that this was a mistake, but I cannot for one moment suppose that it was done for any other than party purposes.

Hon. Mr. WARK moved the adjournment of the debate.

The motion was declared lost.

Hon. Mr. HAYTHORNE—May I ask the hon. Senator from Kingston if it is

*Hon. Mr. Girard*

his intention to press his motion to a division?

Hon. Mr. CAMPBELL—Certainly.

Hon. Mr. HAYTHORNE—I stated yesterday, in addressing the House, that a resolution had been placed in my hands, but that I abstained from moving it then, because I was in hopes, from something I had been informed of, that the hon. Senator would have been satisfied with placing his views before the House, and not pressed his motion to a division. I may also state that the members of the Government in this House had no knowledge of my intention to withhold my amendment. It was not placed in my hands by any member of the Government, and since it came into my possession, I have added a few words to it myself. I make this explanation to remove a mistaken impression which some hon. gentlemen seem to entertain. I move in amendment to the resolution:—

That all the words after "To Resolve" be struck out and the following substituted: "That, under the rule of our Constitution; he Federal Government, and the Provincial Governments, each in their own sphere, enjoy responsible government equally, separately and independently; therefore, under existing circumstances, this House deems it inexpedient to offer any opinion on the recent action of the Lieutenant-Governor of the Province of Quebec, or of his late Ministers."

Hon. Mr. AIKINS—I rise to a point of order. This amendment has a preamble, gives a citation and arrives at a conclusion.

Hon. Mr. TRUDEL—A similar amendment was ruled out last year. I have good reason to recollect it, because I was the mover.

Mr. SPEAKER—There is a recital in the beginning of the resolution, but it does not strike me as coming strictly under the category of a preamble. It is a part of the resolution.

The House divided on the amendment which was rejected by the following vote:—

## CONTENTS :

## Hon. Messrs.

Baillargeon,	Lewin,
Brown,	McClelan (Hopewell),
Bureau,	McMaster,
Chaffers,	Paquet,
Christie (Speaker),	Pelletier,
Cormier,	Power,
Grant,	Pozer,
Hope,	Reesor,
Haythorne,	Scott,
Leonard,	Wark.—20.

## NON-CONTENTS :

## Hon. Messrs.

Aikins,	Glazier,
Alexander,	Gueverment,
Allan,	Hamilton (Kingston),
Armand,	Haviland,
Bellerose,	Kaulbach,
Benson,	McLelan, (Lon'd'ry)
Botsford,	Montgomery,
Campbell,	Muirhead,
Carrall,	MacDonald (Victoria),
Chapais,	Macfarlane,
Chinic,	Macpherson,
Cornwall,	Miller,
Dever,	Northup,
Dickey,	Odell,
Dickson,	Read,
Dumouchel,	Skead,
Ferrier,	Trudel,
Girard,	Vidal,
	Wilmot.—37.

The original resolution was agreed to on the same division.

## WITNESSES IN COMMON ASSAULT CASES BILL.

## THIRD READING.

Hon. Mr. PELLETIER moved the third reading of the Bill intituled "An Act to provide that persons charged with common assault shall be competent as witnesses."

Hon. Mr. DICKEY moved in amendment, to leave out all the words after "Bill" and insert "amended as follows." "Page 1, line 7.—Leave out from 'behalf,' to 'where' in line 10." He said he had given notice that he would move this amendment, because he considered it a dangerous principle to admit the wife of a prisoner as a witness for or against him. It was offering a premium for perjury.

Hon. Mr. SCOTT said the Bill as  
*Hon. Mr. Pelletier.*

originally introduced in the other Chamber, had not contained this provision. He believed it was at the instance of the leader of the Opposition it had been inserted. As he (Mr. Scott) had stated at a former stage of this Bill, the tendency of late years was to widen the scope of evidence. He was disposed to believe that the Bill, in its present shape, would be very much better than if it were amended in the direction which some hon. gentlemen proposed. There might be circumstances under which it would be very important that the the testimony of either the husband or the wife should be admitted. He thought it would be better to let the Bill pass, and if experience should prove it to be wise legislation the principle could be extended to other cases.

Hon. Mr. MILLER concurred in the opinion expressed by the Secretary of State. He could see no danger to result from this measure. On the contrary, he knew, as a professional man, that very often the ends of justice were frustrated by the law as it now stood, for the first party who reached the magistrate, whether he was reliable or not, had the advantage. He could see no danger of an innovation where common sense was in its favor. He had no difficulty whatever in supporting the Bill.

Hon. Mr. HAVILAND said he had no objection to allowing the party himself to be a witness, but he objected to admitting the wife's evidence, not on the question of credibility, but because of the consequences that might arise from it to interfere with domestic relations.

Hon. Mr. SCOTT—It is not to be used in a hostile sense.

Hon. Mr. HAVILAND said she might on cross-examination contradict her own statement.

After some further discussion the House divided on the amendment, which was rejected on the following vote:—

## CONTENTS :

## The Hon. Messrs.

Armand,	Dickey,
Bellerose,	Ferrier,
Benson,	Girard,
Botsford,	Haviland,
Bourinot,	Macdonald (Victoria)
Campbell,	Macpherson,

Carrall,  
Chapais,  
Chinic  
Cornwall,

Reid,  
Trudel,  
Wilmot.—19.

NON-CONTENTS :

The Hon. Messrs.

Aikins,  
Allan,  
Brown,  
Chaffers,  
Christie (Speaker)  
Cormier,  
Dever,  
Dickson,  
Dumouchel,  
Haythorne,  
Hope,  
Kaulbach,  
Leonard,  
Lewin,  
McClelan (Hopewell)

McLelan (Londonderry)  
McMaster,  
MacFarlane,  
Miller,  
Muirhead,  
Pâquet,  
Pelletier,  
Power,  
Pozzr.  
Resor,  
Scott,  
Simpson,  
Vidal,  
Wark.—29.

The Bill was read a third time and passed.

The House adjourned at 11:35 p.m.

THE SENATE.

Wednesday, April 17th, 1878.

The SPEAKER took the chair at 3 o'clock, p. m.

After Routine proceedings.

TRANSPORTATION OF STEEL RAILS.

MOTION FOR A RETURN.

Hon. Mr. MACPHERSON moved :

“ That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all tenders received by the Government, or any Department thereof, for the transport, during the season of 1878, of Steel Rails and fastenings from Kingston to Duluth, or to Winnipeg, or any other place on the Red River”

He said:—I move for this return, because I see that tenders have been invited for the transport of steel rails from Kingston to Duluth and the Red River. My object in moving this address is to have the tenders laid

Hon. Mr. Macpherson.

upon the table of this House, and to enquire from the Government whether they have concluded a contract for the transport of those 5,000 tons. Of course, I am not aware whether the Government have accepted any tender, but I have been given to understand that the lowest tender is at a price which will make the rate of freight from Duluth to Winnipeg higher even than was paid to the Kittson Line in past years. That rate was \$15 per ton from Duluth to Winnipeg, and I understand that the tender which is likely to be entertained and entered into, is at \$19.30 per ton for freight from Kingston to Winnipeg, and that the portion assigned for the lake service is only \$2.50, leaving \$16.80 for the service from Duluth to Winnipeg. I do not know whether these facts, if they be facts, are known to the Government or not; I do not speak positively and assert that they are facts, although my information comes from a good source. If the Government know that the rate from Duluth to Winnipeg is to be \$1.80 per ton more than was paid in 1875 and 1876, I think it should hesitate before entering into such a contract. I am told that the Government might have done better had they advertised generally, without restricting parties tendering to the Duluth route; that thousands of cars return empty from Chicago and Milwaukee in which rails could be carried at very low rates, perhaps cheaper than by Duluth, notwithstanding the fact that the rail route is longer. I called, the attention of the House the other day to the fact, that a Hamilton firm—Messrs. Fuller & Milne—had tendered in April, 1875, at \$13.50 United States currency per ton of 2240 pounds, for transporting rails from Duluth to Winnipeg, while the Red River Transportation Co., had been awarded the contract for the same service at \$15 per ton of 2000 pounds. The day after, I met Mr. Fuller, of Fuller & Milne, who told me that his firm meant a ton of 2240 pounds and that he was sorry they had not been awarded the contract, because it would have been very profitable. We can readily imagine how remunerative the business must have been to the Red River Transportation Co., at \$15 per ton. It is publicly said the dividends of that company are enormous; that their dividend upon the business of 1875 or 1876 was 65 per cent, be-

sides 25 per cent added to their rest. It behooves the Government to make every possible effort to have the steel rails transported to Manitoba cheaply. If there is a preference to be given in matters involving the expenditure of the public money, it surely ought to be to our own people, who will keep whatever profit they make in the country. I will just call the attention of the House to a few items on which the country has sustained serious loss through favoritism or very great mismanagement.

Hon. Hr. BROWN—I rise to a point of order. I want to know whether, on a motion of this kind, for papers, the hon. gentleman should make charges without waiting until the papers on which he bases them are before the House. Is it expedient that this unfair course should be pursued?

Hon. Mr. MACPHERSON—What I am referring to now is not new. The papers have been before the House for a year.

Hon. Mr. SCOTT—But you are not speaking to the motion.

Hon. Mr. MACPHERSON—My remarks are strictly in order and are confined to the subject before the House. I will now submit a tabulated statement of public money lost through the mismanagement of the Government, and favoritism for Messrs. Cooper & Fairman of Montreal, and for the Red River Transportation Company of St. Paul, namely:

On the 5th January, 1875, the Government bought 5,000 tons of steel rails from Messrs. Cox & Green, of Montreal, at £10 stg. per ton f.o.b. in England, and two days afterwards (on the 7th January, 1875) the Government bought from Messrs. Cooper, Fairman & Co., without competition, 5,187 tons at £10 10s. per ton, also f.o.b. in England, for British Columbia.

The country's loss by this act of favoritism was 10s. stg. per ton, and amounted to..... \$12,004

In November, 1874, Messrs. Darling & Co., of Montreal, tendered for bolts and nuts at \$92.47 per ton, and at the same time Cooper, Fairman & Co. ten-

*Hon. Mr. Macpherson.*

dered at \$101 per ton. Cooper, Fairman & Co. got a contract for 160 tons.

The country's loss by this act of favoritism was.....

\$1,365

In 1875 Messrs. Guest & Co., of England, supplied to Canada 10,000 tons of steel rails, and when tendering for the rails in November, 1874, they offered to deliver them at Duluth at \$4 per ton more than at Montreal, or, including insurance, at \$4.16 more per ton. Messrs. Cooper, Fairman & Co., acting for themselves and on behalf of Messrs. Norris & Neelon, of St. Catharines, and Messrs. Hope & Co., of Hamilton, were paid at the rate of \$6.20 per ton.

The country's loss by this act of favoritism and mismanagement was \$2.04 per ton on 10,000 tons, and amounted to.....

\$20,400

In April, 1875, the Red River Transportation Company tendered for the transport of rails from Duluth to Winnipeg at \$15 (United States currency) per ton of 2,000 lbs. Messrs. Fuller & Milne, of Hamilton, tendered for the same service at \$13.50 (United States currency) per ton (meaning the usual ton of rails, 2,240 lbs.). The Red River Company got the contract, and transported 15,141 tons.

The difference in the rate of freight and in the ton weight together amounted to \$3.30 per ton.

The country's loss by this act of favoritism or mismanagement was \$3.30 per ton on 15,141 tons, and amounted to \$49,965 United States currency, and in gold to.....

\$44,969

The loss on the four transactions which I have enumerated amounts to.....

\$79,338

Hon. Mr. HOPE—I rise to a point of order. We have had all this before.

Hon. Mr. MACPHERSON—And you will probably hear it again.

Hon. Mr. BROWN—The hon. gentleman's motion refers to what is being done in 1878, and he is speaking of events which occurred in 1874. Nobody objects to bringing up these matters, but it should be done in a fair and manly way. The hon. gentleman is dodging.

Hon. Mr. MACPHERSON—There is no dodging on my part. It is the hon. gentleman opposite who wishes to dodge the facts. All that I have said is strictly pertinent to the motion. The hon. gentleman (Mr. Brown) complains that I have gone back to 1874. It is only a few days since he went back, in a speech on the Fort Francis Lock, to the time of the Chats Canal and the Baby jobs.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MAPCHERSON—I think the House will admit that I have not exceeded the right which my motion gave me, and that all I have said has had a close bearing upon the subject before the House. I am not at all surprised that hon. gentlemen opposite should like to prevent such facts as I have brought out to-day from being presented in a clear form. I am not surprised that it annoys the hon. Senator from Lambton, who is generally recognized throughout the country as the head of the Government, nor am I surprised that the hon. Senator from Hamilton (Mr. Hope) should feel a little testy; but seeing that the company in which he is interested, and which, probably through his influence, got \$20,400 more of the people's money than others would have done the same work for, I think he may bear with equanimity all that I have said.

Hon. Mr. SCOTT—The hon. gentleman has given the House a good deal more information than the Government possesses. The position of those tenders, I understand, is this—they have simply been opened and not even taken into consideration by the head of the Government himself.

Hon. Mr. MACPHERSON—I am glad to hear it.

Hon. Mr. SCOTT—The Minister has been called away to attend a court in the West, and, consequently, I have not had an opportunity to learn anything further than I have stated, in reference to this question. The information the hon. gentleman has given us is very much in

*Hon. Mr. Brown.*

advance of the facts. So far from the contract having been signed, the tenders have not been even considered yet.

Hon. Mr. MACPHERSON—I did not say the contract was signed; I asked if it was.

Hon. Mr. SCOTT—The hon. gentleman went so far as to describe what the lowest tender was. He seemed to have been behind the scenes and to have known all about it. His conclusion was that the Government had been guilty of favoritism. I deny emphatically that the Government have done what has been charged against them. The case preferred by the hon. gentleman is entirely hypothetical. It is exceedingly unjust to any administration and discordant with the principles of fair play, that such warfare should be carried on—that the hon. gentleman should state a hypothetical case and draw from it the conclusion that \$79,000 of the people's money had been squandered in order that favorites of the Ministry might get contracts. There should be some sense of honor in this House which would prevent hon. gentlemen from making such charges when there is no foundation for them. The hon. gentleman asserts that Cox & Green could have furnished the whole 50,000 tons of steel rails called for by the Government in 1874. There were thirty tenders ranging from \$50.50 up to \$79. All the contracts for the 50,000 tons of rails were awarded within two months after the tenders were called for, on Mr. Fleming's recommendation. There was nothing to prevent any firm from tendering for the full amount; the only restriction was that no tender should be for less than 5,000 tons. Cox & Green tendered for 5,000 tons, and when they stated they would take 5,000 more, the Government accepted their offer. They then took up the next highest tender and awarded to the firm that made it a contract for as much as they would take. This was the course pursued. The only way to analyze this matter thoroughly is to investigate it before the Public Accounts Committee, but it would not serve the purpose of some hon. gentlemen to have the truth established. They would rather have the statement put in the confused way it is before the public. It serves their purpose better. It enables them to say: "Here is an atrocious piece of ras-

"cality by which the Government have paid \$80,000, more than they should to give the work to favorites." I consider that, to use a vulgar phrase, "cut-throat warfare." A Government guilty of such acts as the hon. gentleman charges against them ought not to be in power. If the hon. gentleman believes in his own statements it is his duty to have these matters investigated. I declare solemnly that if the Minister of Public Works were guilty of all the rascality with which he is charged, he is not fit to hold the position he occupies. I know he is not guilty, and those who are personally acquainted with him do not believe he is capable of such misconduct. We are all fallible, but I know the Premier has endeavoured to get the public service performed on the best terms for the country. Ask the contractors whether Mr. Mackenzie is an easy man to deal with.

Hon. Mr. PENNY—That is the trouble.

Hon. Mr. SCOTT—Yes; the whole trouble is that he is not so elastic as some of the gentlemen who were at the head of that Department before him. I do not think it tends to elevate the tone of this House or the character of the public men of this country to make such charges against the Government. I repeat, if they could be brought home to the Administration, then the Government ought not to have the confidence of the people. If it can be proved that they have thrown \$10,000 into the hands of Cooper, Fairman & Co., or any other favorites, they should not remain in power. The Premier is opposed in the other House by men who are as hostile to him and his Government as political opponents can be, but they do not press for an investigation of those charges, because they know the bubble is empty and would burst. No one attempts to accuse the Premier of such improprieties to his face in the other House, and I do not think it fair to make such charges here without an investigation. I was not even aware that tenders had been called for in 1878, but I am sure the Premier, if he were here, could satisfy the hon. gentleman that in the transport of those rails, as in every other administrative act, he is desirous of having the public service performed in the most economical manner possible. I

*Hon. Mr. Scott.*

shall call the attention of the Premier to the extraordinary statement of the hon. Senator, that the Government propose to give a contract at certain figures. If he can point out a plan by which the Government can save money, I am quite sure the Minister of Public Works will be glad to hear it, and call for fresh tenders, in order to have the service performed in the most economical manner. Neither the Premier nor any member of the Government has any personal interest in the matter. I have heard of the Kittson Line, but I do not know who the stockholders are. I believe the stock is largely owned in the United States. They have the key to the situation there—almost a monopoly. From other sources I have heard their charges are enormously high, and that they have availed themselves of every opportunity to extort, but this, of course, is only hearsay. With regard to the nuts and bolts, I went into that subject rather exhaustively the other day. The calculations I made—and I thought the figures were perfectly correct—showed there was a difference of probably two or three hundred dollars between the tenders. There could not have been more than that. The allegation was that this was to serve Cooper, Fairman & Co. It practically amounts to this—the Government had been guilty of some impropriety in order that Cooper, Fairman & Co., might get a commission on two or three hundred dollars. If the Government were going to perpetrate a fraud surely it would have been for more than two or three dollars. When the Premier returns from the West I shall be very glad to give the hon. gentleman the information he desires.

Hon. Mr. MACPHERSON—I have never imputed corruption to Mr. Mackenzie. On the contrary, the other day when I spoke on the subject of the unfortunate steel rails transactions, I said I acquitted him of corruption. But I do charge the Government with manifest and gross favoritism towards the parties I have named. If the facts I have mentioned can be explained away, let the hon. Secretary of State give us the explanation but let him not try to carry the House away with him on the ground that the Premier has been charged with corruption. I have abstained from making any small or captious objections to the price paid to

Cooper, Fairman & Co. for the large quantity of rails delivered at Montreal. I myself, have very little doubt if a little more pains had been taken in getting tenders for those rails, that they could have been procured at lower prices, but tenders were called for in haste and the rails were bought from middlemen or agents. The charge I have brought to-day is more serious. In January, 1875, rails were offered by Cox & Green at £10. and at first refused but accepted a day or two afterwards. Only two days thereafter, a similar quantity (5,000 tons), was taken from Cooper, Fairman & Co. at £10.10 per ton. I think that does indicate favoritism.

Hon. Mr. SCOTT—Does the hon. gentleman not know that Cox & Green would not furnish more than 5,000 tons?

Hon. Mr. MACPHERSON—Cox & Green were not the only iron firm in the country. No other firm was communicated with but Cooper, Fairman & Co. Five thousand tons of steel rails was not a very small matter, and the Government might have taken a little trouble to enquire, in England, through their agents, at what rate they could be purchased there, at first hand.

Hon. Mr. SCOTT—So we did.

Hon. Mr. MACPHERSON—There is no evidence of it in the return before the House. I can only speak from the papers brought down by the Government. Then, the freight—does the hon. gentleman say an item of \$20,400, paid in excess of what need have been paid, should not be spoken of here? Then the transportation of rails from Duluth to Winnipeg—does the hon. gentleman say that the \$45,000 lost to the country by favoritism or mismanagement, is not worth enquiring about? In the four items I have mentioned the country has sustained a loss of \$80,000, through the gross mismanagement or favoritism on the part of the Government. Is that a matter not to be spoken of in this House? I again beg the hon. Secretary of State not to attempt to divert the House from the real issue, by erroneously alleging that the Premier has been charged with personal corruption.

Hon. Mr. READ—I brought this matter up last Session, and I have brought it  
*Hon. Mr. Macpherson.*

up again this Session. What I asserted on both occasions I repeat now, and am prepared to prove by the returns.

The motion was agreed to.

RECEIVER-GENERAL'S AND ATTORNEY-GENERAL'S OFFICES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (51) intituled "An Act respecting the offices of Receiver-General and Attorney-General of Canada." He said:—The proposition contained in the Bill is this—to abolish one office of the Government (the Receiver-General's) and substitute in lieu thereof another office (the Attorney-General's) in connection with the Department of Justice. The Act creating the Department of Justice was passed in 1868. I shall read two sections, defining the duties of the Minister of Justice and Attorney-General. Clause two provides that the duties of the Minister of Justice shall be as follows:—

"He shall be the official legal adviser of the Governor and the legal member of Her Majesty's Privy Council for Canada. It shall be his duty to see that the administration of public affairs is in accordance with law. He shall have the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of the Government of the Provinces composing the same. He shall advise upon the legislative acts and proceedings of each of the Legislatures of the Provinces of Canada, and generally advise the Crown upon all matters of law referred to him by the Crown; and he shall be charged generally with such other duties as may at any time be assigned by the Governor-in-Council to the Minister of Justice."

Clause three defines the duties of the Attorney-General as follows:—

"He shall be entrusted with the powers and charged with the duties which belong to the office of the Attorney-General of England by law or usage, so far as the same powers and duties are applicable to Canada, and also with the powers and duties which by the laws of the several Provinces belonged to the office of Attorney-General of each Province up to the time when the British North America Act, 1867, came into effect, and which laws, under the provisions of the said Act, are to be administered and carried into effect by the Government of the Dominion. He shall advise the heads of the several Departments of the Government upon all matters of

law connected with such Departments. He shall be charged with the settlement and approval of all instruments issued under the Great Seal of Canada. He shall have the superintendence of penitentiaries and the prison system of the Dominion. He shall have the regulation and conduct of all litigation for or against the Crown or any public department in respect of any subjects within the authority or jurisdiction of the Dominion; and he shall be charged generally with such other duties as may at any time be assigned by the Governor-in-Council to the Attorney-General of Canada."

Now, as to the first position, I assume there will be very little difference of opinion between any of us as to the advisability of abolishing the Receiver-General's office. Practically, that Department, for many years has had very little work assigned to it. The duties of the Receiver-General are more mechanical than intellectual. The office is dependent, practically, on the Finance Department. Perhaps the more courteous way to put it would be to say that it may be regarded as a sinecure. Therefore, there can be very little doubt as to the propriety of abolishing it. In doing so it was considered that as the office of the Minister of Justice was somewhat burdened, and the work could be more efficiently performed if the duties were separated, it was resolved that the proposition should be submitted to Parliament, that a new Ministry should take charge of one of the branches of the legal department instead of the Receiver-General. The duties of the Minister of Justice have very largely increased of late years. At the time of Confederation there were only four Provinces, and as the Dominion has spread, the work of the Department of Justice has very largely increased. There is a branch of the work of that Department which has not been as efficiently done as it would have been if more time could have been devoted to it, that is, the supervision of measures to be submitted to Parliament. The Minister of Justice, having to attend meetings of committees in the morning, and his Parliamentary duties generally, as well as the work of his Department, cannot devote the time necessary to the framing of measures and the revision of legislation to be submitted to Parliament. The law business connected with the Public Works Department and the Department of the Interior, has also very largely increased. The division of the Department of Justice into

*Hon. Mr. Scott.*

two offices will be of great advantage. It will give an additional legal mind to the Government, and great assistance in conducting the business of the Department. No additional expense is entailed on the revenue by the adoption of this Bill, and the work, in my judgment, can be more efficiently performed than it is now.

Hon. Mr. WILMOT—I am very much surprised that the Government should have determined, in the last Session of a Parliament, to make an organic change in the Departmental system organized at the commencement of Confederation. Next to the constitutional principles that we have inherited from our forefathers, Parliament should carefully guard the receipt and expenditure of the public revenues. As I understand it, all moneys are received and paid to the credit of the Receiver-General, and no money can be paid out on warrants issued, unless on the joint orders of the Finance Minister and the Receiver General, thus each Department checking the other.

Hon. Mr. SCOTT—The warrants are not signed by the Receiver-General, but by the Governor-General through his deputies.

Hon. Mr. WILMOT—I have had some experience in my own Province as to the mode in which the moneys were collected and the warrants issued, and am well aware that the warrants are signed by the Governor after the accounts are audited and certified by the Auditor-General. At all events, that was the practice in New Brunswick. In Great Britain, the Chancellor of the Exchequer is practically the Receiver-General, as all public moneys are paid into the Bank of England to the credit of the Exchequer, and the payments are made through the Paymaster-General's Department, the Paymaster-General being a member of the Government, and, under a recent Act, the Auditor-General is a permanent officer, who reports to Parliament and communicates with the Committee of Public Accounts in the House of Commons, so that there is a rigid check kept upon the receipts and expenditures of the public moneys. With us, as I understand it, the Receiver-General keeps primarily the accounts with the English financial agents with the banks, and relating to the public debt, and the respective balances are struck

every day and reported to the Privy Council and the Minister of Finance.

Hon. Mr. SCOTT—The Minister of Finance will be the Receiver-General, and there will be an independent officer who will be directly amenable to Parliament.

Hon. Mr. WILMOT—But I should prefer that there should be a responsible head to the Department, to act as a check on the Department of Finance; and when we consider the millions of dollars that are now collected and paid out—and with the growth of the Dominion, the sums must necessarily largely increase—the sum of a few thousand dollars a year is of small moment compared with a thorough system of checks and counter-checks. In addition to some 5,000 accounts now kept in the Receiver-General's Department, there have been received from the engravers \$23,697,600 of Dominion notes, of which \$19,417,600 have been issued, besides a receipt of \$500,000 of fractional currency, and an issue of \$310,000, besides a large amount of Provincial notes, issued by the old Provinces of Canada and Nova Scotia. Besides these, large amounts of bill stamps are issued on requisition from the Inland Revenue Department, averaging about \$25,000 per month. The five and six per cent Dominion stocks are managed in the Department, and a great deal of time is occupied in preparing the half-yearly dividend checks. The Department is like a bank when payments have to be made, powers of attorney have to be examined, and contractors' securities lodged, as well as those of insurance companies. It may be that the circulation of the Dominion may consist much more largely than now in Dominion legal tender notes; they are the people's money, of equal value from Prince Edward Island to British Columbia, instead of the notes of local banks, which are merely evidences of debt due to the holders, and which are not current except in the localities where the banks are established, except at a discount. I think, therefore, the House can see that the Department is a very important one, and the duties connected with it if properly attended to, are not merely nominal. But what does the Government propose in lieu of it? Not a saving from the cost of the Department, but the establishment of another law officer. Previous to the late Minister of Justice

Hon. Mr. Wilmot.

(Mr. Blake) resigning, nine out of the thirteen Ministers were connected with the legal profession. Surely they ought to have legal knowledge enough. I think if the Government possessed more practical and commercial knowledge with regard to the productive and commercial interests of the Dominion, there would be fewer blunders committed and wiser statesmanship.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WILMOT—In Great Britain the Premier almost invariably is the first Lord of the Treasury, and at the head of the Treasury Board. The Chancellor of the Exchequer is the second Lord of the Treasury, and practically the Receiver-General. According to Todd, page 426, the Premier has, to assist him in fulfilling his multifarious and onerous duties, the advice of one or two members of the Cabinet, whose departmental labors are inconsiderable, and there are three of the members of the Treasury Board, and they have a general supervision of all financial matters. There is also a Paymaster-General, who is a member of the Government, and an Auditor-General, who is independent of the Government, and reports to the Committee of Accounts in the House of Commons, so that there is an efficient system of checks and counter checks kept up, and any defalcation is almost impossible, and soon discovered. I think it is inconvenient that the Premier should be Minister of Public Works, an office that requires the entire attention of its head, and I impute the many blunders that have been committed to this fact, and a consequent waste of the public money to the loss of the tax-payers. We see that great frauds have been committed in the neighboring Republic, and it is the duty of Parliament to keep up a strict supervision. I only hope the British system will be pursued in this country, and then it is unlikely that any charge of fraud can be brought against our public men. Some years ago, in Great Britain, in the Exchequer Bill Department, a man of high position was sent to Botany Bay for life for defalcations to the extent of £300,000. We have had something similar occurring here; and I say, for the sake of a few thousand dollars additional charge on receiving and paying out the millions that form the revenue and expenditure of the

Dominion, it is poor economy to do away with the checks that now exist. As I said, the Receiver-General has the issuing of Dominion notes. I know the present Government, if they could, would take away from the people their own circulation, costing no interest, and burden them with six per cent. debentures instead, and yet the Government want to have this issue under the management of the Finance Minister alone, without any check or counter-check upon him. He might be the Angel Gabriel, but we want, if human legislation can do it, to prevent the possibility of fraud. With regard to the legal work of the Government, I am sure no hon. gentleman in this House would object to employing any number of lawyers that may be required. When we see bankruptcies to the extent of \$90,000,000 in three years in Canada, we are told by the hon. Secretary of State that the Government are not prepared to do anything to relieve the prevailing depression. Now is the time, if they have any genius or statesmanship, to display it. In New Brunswick, when I first went into the Legislature, we had the principal part of our revenue collected by the Imperial Customs House Officers, under the double system of a collector and controller, entirely independent of each other. When responsible government was introduced in that Province, we collected the revenue ourselves by a Provincial Treasurer and Deputy-Treasurer, with no other check than the Auditor-General. We all have a pretty good idea of what politics and political parties are, and none of us suppose that either one party or the other will be pure or thoroughly honest, and be prepared to do everything right without proper checks. We know it is impossible. Influences are brought to bear whether it is to get public contracts, or offices, and we should endeavor, as far as possible, to prevent those political influences being brought to bear upon our monetary arrangements. In order to collect the revenue in New Brunswick we had no Comptroller, and a practice had grown up in the out-ports of paying the duties at the end of the quarter. This was effected through political influences, and the result was, that nearly all the Deputy Treasurers became defaulters, and at length we were

*Hon. Mr. Wilmot.*

astonished by a defalcation in St. John, of over \$30,000, through a loose system that had grown up in consequence of the want of a thorough check. I always protested against the system while I was in the Legislature. I said it would end in fraud. While we had a man of undoubted integrity—the late Beverly Robinson—in the office of Treasurer, it was all very well; but it was the system that was at fault, and not the officials. My hon. friend the Secretary of State thinks that millions of dollars can pass through an individual's hands and present no temptation. I want to put it beyond the possibility of temptation. Before we consider this Bill at all, we should have had the Bill with respect to the Auditor-General before us, and know more about it than we do at present. When my hon. friend tells me the duties are very light in the Receiver-General's Office, I can tell him I know a good deal more about the duties of that office than he does. There must be duplicate receipts there for every payment.

Hon. Mr. SCOTT—Are they signed by the Minister himself?

Hon. Mr. WILMOT—I don't care whether it is the Minister or not; it is under the responsibility of a Minister.

Hon. Mr. SCOTT—My hon. friend knows there is not a farthing paid into the Receiver-General's Department. All the moneys are deposited in the banks. No money can be received by the head of the Department, and no moneys can be drawn out by him. They must be drawn out on warrants which issue regularly from the Governor-General, and those pass through the Audit Office. It is the Auditor-General who has practically the check on the outlay.

Hon. Mr. WILMOT—Either the head of the Department is responsible for the duties connected with his office, or he is not; and he is either competent to discharge them or he is incompetent. When this Government was formed, there were two members from Nova Scotia taken into it. One was bundled out unceremoniously. I came up with him on the boat, and it was only on his arrival here that he found he had been turned out of office. The other one could not be got rid of so easily, and now this Bill is brought in to take his head off.

Hon. Mr. SCOTT—Oh, no!

Hon. Mr. WILMOT—Well, perhaps they mean to make him the Attorney-General.

Hon. Gentlemen—Hear, hear. .

Hon. Mr. WILMOT—I would ask the hon. Secretary of State how it was that there were such frauds and defalcations some years ago in the Receiver-General's office or the Finance Department?

Hon. Mr. SCOTT—That is in reference to an officer who had charge of the municipal bonds. He improperly tampered with those bonds; that could not be prevented by legislation. Some clerk must have access to those bonds, and if he wishes to commit larceny he can do it under any system of checks.

Hon. Mr. WILMOT—The more checks there are the less chance there is for larceny. I prefer the British system by which there are checks and counter-checks in every Department, and double receipts are kept for all moneys expended. Without detaining the House longer, I would simply say that this measure is impolitic; that we should not at this late period in the last Session of this Parliament abolish a Department the importance of which the hon. Secretary of State does not seem to know. If the government want more legal knowledge than they possess with their nine lawyers, let them pay for it as any one of us would have to do if we required legal assistance. The lawyers seem to monopolize a very large amount of the patronage of the country. I do not object to it; but I do not think it is necessary to create a new office in the Government to add a tenth lawyer to the Cabinet. I, therefore, move that the further consideration of this Bill be postponed for three months.

Hon. Mr. MILLER—I do not care to give a silent vote upon this question, as I feel a great deal of regret in being called upon to oppose a measure emanating from the Government. I, therefore, feel it my duty to give some explanation of the reasons which have induced me to second the motion of the hon. Senator from New Brunswick. I have no hesitation in saying I fully agree with him as to the inexpediency of abolishing the office of Receiver-General, at the present time. I think it must be clear to the House, from

Hon. Mr. Wilmot.

the information that my hon. friend has laid before us, that it is highly desirable that such an officer as the Receiver-General should exist in the Government of Canada. However, even if this were not so clear, I should have a decided objection that a change like this should take place at the close of this Parliament. If this Bill is necessary now, it should have been brought before us long ago, and in bringing it down now they admit that for five years they have kept in the Government of this country an officer whose services were not required, at a very serious expense to the country. I did not think they would be prepared to make so bold a confession of extravagance and dereliction of duty. For myself, I cannot help looking at this Bill as intended to accomplish a purpose to which I do not believe this House will lend itself. At the formation of the present Government, under the peculiar and very unconstitutional position assumed by the Premier, he had forced upon him two colleagues from Nova Scotia, who brought no personal strength to his Administration, and who were not likely to command a very large degree of confidence throughout the country. It is true the Government secured the support of a large majority of the representatives of Nova Scotia, but that support was accorded to them, less from any confidence that the people felt in the new Ministry than from other causes. Very soon after the first Session of this Parliament the Premier ejected the then Minister of Militia from his Cabinet in the most summary and discourteous manner. I believe it is not denied on any side the treatment that Mr. Ross received in being ejected from the Government was unprecedented for its harshness, discourtesy, and want of feeling.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—If Mr. Ross was qualified for the position of a Cabinet Minister only a few months before he was kicked out of office, he was just as well qualified at the time he was turned out to make room for another person. It was found that he brought no strength to the Cabinet, and his colleagues made up their minds to get rid of him, to serve their own purposes. They turned him out of office, and I believe I am safe in saying

they have been trying during the past four years to relieve themselves of the Receiver-General, but that gentleman is too fond of the sweets of office, and the Government feel, evidently, that it is not so safe to try the experiment of ejecting a second Nova Scotia member, out of the Cabinet, and it is said he has held on to his office despite the Premier and his colleagues. To get rid of the Receiver-General they are obliged to pass a bill to legislate him out of the Government. I say it is neither creditable to the Minister who requires to be turned out in that way, nor to the Premier who resorts to such means to get rid of a colleague. But, apart from this consideration and from the personal relation of this Bill to the present Receiver-General, I think there is another aspect of this measure which deserves to be considered. We all recollect, before the present Government came into power, the Reform party (so-called) told the people it was wilful and gross extravagance on the part of the Administration formed in 1867, that thirteen Cabinet Ministers should be considered necessary for carrying on the business of the country. Some of them went so far as to point to the fact that a little over half that number was sufficient for the government of forty millions of people, and that if a much smaller Cabinet were sufficient for so large a nation as the United States, an equal number ought to be enough for the Dominion. We were promised, if not directly, at all events indirectly, by the utterances of the gentleman who now occupies the position of Prime Minister of this country, and by some of his colleagues and leading supporters, that it would be part of their policy, if they ever came into power, to carry out the views they enunciated in Opposition. The hon. gentleman who leads the present Government has been known to declare on public platforms that seven Cabinet Ministers were quite sufficient to carry on the Government of the country; but when called upon to form an Administration, instead of reducing the number or even confining himself to thirteen, he actually called into existence a Government with fifteen members. It is true that two of those Ministers held office without salaries attached to their positions but it is no less a fact that he considered the number of Cabinet Ministers esta-

*Hon. Mr. Miller.*

lished by the late Government, insufficient to represent the various sections into which the Dominion is divided. They have been five years in office and they have made no attempt to reduce the number of Cabinet Ministers below thirteen. They have made no reduction during their term of office, the only five years they are likely to retain power.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I think it is generally admitted that as soon as the people have an opportunity of speaking—as soon as the indignant electors of this country have a chance to mete out justice to the present Government they will be swept out of power by a tidal wave of public opinion much stronger and more resistless than the one which brought them to the Treasury benches.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—Now, on the eve of going out of office, they make an attempt to do what? To decrease the number of portfolios? No, but to pass an act declaring that they have paid \$35,000, of the people's money during the five years they have held office. To a colleague whose duties have been merely mechanical and could have been discharged as well by a third class clerk. I may be told to day, as we were lately when we were discussing a useless expenditure of \$200,000 dollars on Fort Francis Lock, that it is a mere trifle,—why should we speak of a paltry \$35,000?—just as my hon. friend from Saugeen was met the other day when he showed that the country had lost through mismanagement or favoritism, \$80,000 in connection with the carriage of steel rails. We have seen the whole energies and ingenuity—the perverted ingenuity—of gentlemen elsewhere, engaged session after session in hounding one man to the death in connection with an expenditure of \$6,000, under circumstances which, in honor, he was bound to conceal, and could not publicly explain. If these sums—the \$35,000 paid to a useless officer, \$200,000 thrown away on the Fort Francis Lock, and \$80,000 paid to favorites—are so trifling when mentioned in this House, why is it that the small amount involved in the Secret Service expenditure and the Moylan contract, where, at most, only a few thousand were

involved, are considered so important that they are made an excuse for the persecution, from session to session, of a great statesman? It is because the Reform Party are unequal to anything above or beyond that style of warfare. Since they have been in power they have shown their incapacity to deal in a statesmanlike manner with the great interests of this country, and have proved themselves to be merely a party of scandal-mongers. They are out of their element when they have no scandal on hand. For the last two or three Sessions the majority in the other Chamber, instead of turning their attention to relieving, by wise legislation, the depression which prevails throughout the Dominion, have devoted themselves exclusively to ruining the character of their great opponent, by trumping up petty scandals which were not worth one-tenth of the time expended on them. While I am speaking on this question, I would say one thing in regard to the scandals to which the great Reform Party have devoted themselves so exclusively, with the object of defaming the leader of the Opposition. I believe if there is one thing more than another which has enlisted and entwined round the hon. gentleman who leads the Conservative Party, the affections of the people, it is the unfair, vile, malignant and infamous system of persecution and detraction to which he has been subjected at the hands of his political opponents.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER — They have done more to endear him to the people than anything he could possibly have done himself, by the endless slander and abuse with which they have tried to crush him. And why have they tried to destroy him? Because they fear him. He troubles them in their dreams.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER — He is their nightmare, because they know the people regard him as the statesman who is capable of bringing the country out of the slough of despond into which the present Government has dragged it, and the great mass of the electors only want an opportunity to rally around that great man and to place him in the position he is so well fitted to occupy—at the head of the Government of this country.

*Hon. Mr. Miller.*

Hon. Gentlemen—hear, hear.

Hon. Mr. MILLER—But let me come to the consideration of the change contemplated by the Government in this Bill. If they even now had the wisdom to abolish this office which they say is not necessary, they might deserve some credit for it, although it is late in the day, and I would allow the motive, the very contemptible motive, that animates the Government in introducing this legislation to pass out of view. If they would abolish the office and allow the country to save the large sum of money that is annually disbursed for the maintenance of it, I would support it, but as they do not propose to do that, I am disposed to support the motion of my hon. friend from New Brunswick in preference to creating a double Department of Justice. I do not believe it is necessary to create another head in connection with that Department. Above all, I am opposed to having the Department of Justice presided over by two heads in the manner contemplated by this Bill. Such an arrangement would be a strange anomaly in our system, and would almost inevitably be attended with inconvenience, confusion, and mischief to the public service. As the Bill contains no dividing line between the duties of the two officials, as their respective functions are not in any wise defined, there would certainly soon be a clashing of authority between the Minister of Justice and the Attorney-General, which might seriously impede the public service. The Bill is an absurd innovation on all precedent, and has evidently originated in the disturbing brain of some unpractical politician. If at any time the Minister of Justice require additional help, it would be better to have two deputies under one head than to have two heads to the Department with one deputy. If it is necessary to have more legal assistance in the Department than there is in the Cabinet, I am sure the country will not grudge the money to pay for it; but I believe it will not be a wise policy to have a double-headed Department of Justice, and I am not sure it would end in the Attorney-General becoming, perhaps, a regular practitioner in our Courts, and possibly the Minister of Justice also—which would be a discreditable state of affairs. The change is not absolutely necessary, and the Government

should not now make it. It can stand for another year. If, after the general elections, a new government is called upon, as I believe a new government will be called upon—to deal with public affairs, this change should not now be forced on Parliament. I believe in a large country like this, in which the people have not become thoroughly homogeneous, it is necessary to give sectional representation in the Administration to the various Provinces. and I look forward to the time when perhaps it will be necessary even to increase the number of Cabinet Ministers when the North-West becomes settled, and we will have three or more Provinces in that vast section requiring representation in the Government. It may even be necessary to bring into the Cabinet other gentlemen holding other positions, perhaps, for instance, the Speaker of this House, which could be done at a trifling increase of salary. When we become more like one people and one country, perhaps we may be able to do with a smaller number of Cabinet Ministers, but I do not think the time has yet arrived when we should consider any proposition of this nature. I believe it would be unwise to attempt to make the alteration which is contemplated by the Bill before the House at the present time. We know that this Bill contains the first of a series of changes contemplated in the departmental service. It is known that a bill relating to the office of Auditor-General is before the other branch of the Legislature, and that the office of Deputy Minister and Auditor-General is intended to give new appointments for the friends of the hon. gentlemen who have earned their reward for their devotion to their party during the last four or five years. Now, I do not believe it would be right to empower the Government to make important changes of a prominent character which might seriously inconvenience the gentlemen who are shortly to succeed them. Therefore, until another year goes round, and until we see what Government is likely to be in power, I do not feel disposed to allow those changes to take place, as far as I can prevent them. I have great pleasure in supporting the motion of the hon. gentleman from New Brunswick.

Hon. Mr. BROWN apprehended that the object of this Bill was merely to pro-

*Hon. Mr. Miller,*

vide for the better carrying out of the Departmental system. No party or personal end could be served by the abolition of the office of Receiver-General and the creation of the office of Attorney-General in its place. The Government simply desired this change as a matter of business convenience, and when their four years of experience suggested such a change, this House would surely not be acting consistently in refusing it. He confessed that he agreed with the last speaker as to the number of Cabinet Ministers. He always held the opinion that nine Ministers would be sufficient, and the majority of men of both parties, he believed, were of the same opinion. But this Government and the late Government had found, as no doubt every Government would find, that the number could not be conveniently reduced while there were so many various interests in the Dominion to be represented, and until the different elements of the Confederation were better welded together than they were at present. The proposition of the Government was to abolish the office of Receiver-General, and they promised to give the country as much security in the care of the public funds with one officer as with two. In addition to this, it was well-known that the legal business of the Government was annually increasing.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BROWN—And that men of experience and high ability were required to attend to it. Those who had a majority in the Senate would not, he thought, be doing justice either to the Government or to themselves if they made use of their majority to obstruct this measure, which was only one relating to internal economy. If there were anything to be gained except a party snubbing to the Government, this Bill would not be objected to for a moment.

Hon. Mr. DICKEY—I would like to make an observation or two upon the motion, and the Bill to which it refers, but I confess that the tone of my hon. friend who has just sat down is not calculated to commend his views to the attention of gentlemen on this side of the House. The hon. gentleman has taunted this Senate with desiring to deal unfairly with measures coming from the Government, and, as he says, of snubbing the Government

merely for the sake of doing so. That is a very unworthy motive to attribute to his colleagues, and my hon. friend will allow me to tell him, if there be that strong feeling in this House against the policy of the Government that he speaks of, it must be due to other causes than those to which he has adverted. In this connection he compels me to remind him of the fact that there was within my recollection, and within his, a very considerable minority in this House in times past opposing the late Government, and when the Government came into power there was a large and respectable minority in this House who went with them; and that although they have made some fourteen new appointments since they came into office, they were only able on a crucial question, like that of last night to muster a contingent of twenty. If my hon. friend will insist upon putting questions in this way so as to call out criticisms which I would gladly avoid, I can only say it is not the fault of this side of the House. My hon. friend has a curious way of commending this Bill to the House, by telling us that the work of this Public Department can be done by deputies. I have no doubt there is a great deal of truth in the contention, but if it is carried through to its logical sequence it is a reason for making a much more sweeping reduction than is proposed in this Bill, in fact, for having no responsible heads of departments whatever, so that the hon. gentleman's speech carries that argument a great deal further than he intended.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—He states very fairly the reasons for the original number of thirteen Cabinet Ministers, but those reasons no longer apply. I should hope, by this time we had become a somewhat homogeneous people, and that these territorial and sectional divisions need not necessarily be kept up when the appointments of heads of public departments are in question. In regard to this branch of the subject, I am entirely in accord with the hon. gentleman who has just spoken, for my feelings are in the direction of a reduction in the number of those departments, and I think it will not be very difficult if we had a proper scheme before

Hon. Mr. Dickey.

us, to point out in which direction that reduction should take place. I will take the head of the Privy Council for instance. If there is any office in that body to which can be applied the very mild epithet applied just now by the hon. Secretary of State to the office of the Receiver-General, it appears to me, that of "sinecure" will aptly apply to the President of the Council. The Departments of the Interior and of Inland Revenue bear almost the same name. Then the duties of the Inland Revenue Department are so closely connected with the customs of the country, that it appears to me it would not take very much ministerial talent to effect an amalgamation in that direction, and thus effect a saving of the cost of two departments. Therefore, all my sympathies are in favor of a reduction, at the proper time, of the heads of the departments. I will not go so far as the extreme view of my hon. friend, who says that the present system is inconvenient, because you require to get a number of Ministers together in order to do business. His argument would lead us almost, if not quite, to one-man-government, because it would be much more convenient to get two or three persons together to work out the Government of the country, than thirteen—that is his argument carried to its legitimate result although, I do not imagine my hon. friend contemplates such a result as that. It is proposed to abolish the office of Receiver General. If that question stood entirely upon its merits, I say frankly, before this House and the country, I am in favor of it, if brought up in the proper place, in the proper shape, and at the proper time. I am in favor of it just as I should be in favor—of course, reserving to myself all the circumstances under which it came up—of abolishing the office of President of the Council, and as an appropriate commentary on that, I believe at this moment that office is not filled. To go back to the office of the Receiver-General, my hon. friend from New Brunswick has entered into this matter very warmly, and perhaps there is no person—I may say in courtesy to the Government—outside the Government more competent to deal with it. And my hon. friend on my left (Mr. Miller), argues on the necessity of retaining this office, but those arguments do not commend them-

selves entirely to my mind, because when we know the fact that the Receiver-General after all is but the figure head of the Department and the business is really conducted by the deputy, that the money does not go into his coffres, but is really paid into the banks, and that the whole object could be obtained by the system of check which is at the foundation of all systems of administrative government, why should we retain an office which really does not appear to be necessary? As connected with the Finance Department, the work could as well be done by the head of that Department if we can at the same time preserve those checks and counter-checks. We have been told that a Bill is before the other branch of the Legislature which will furnish the means of bringing the Auditor-General into some sort of Parliamentary responsibility. I am not prepared to say that that should not be done, but unfortunately we have not got that Bill before us. This appears to be only a part of a system of change in the Department which we are called upon to deal with piece by piece instead of having it before us as a whole. That is very undesirable, and I think the hon. Secretary of State would have acted very wisely had he allowed this Bill to remain in abeyance until we should have the other Bill before us and have cognizance of all the changes to be presented to us. Then we should have known whether in point of fact this office could be safely dispensed with. With regard to the other part of the Bill, I am decidedly opposed to the creation of the office of Attorney-General; I think it is unnecessary, and that no case has been made out to warrant this expense being thrown on the country. My hon. friend from Toronto (Mr. Brown) has thought fit to argue this point as if the Government have no interest in the matter, and this after the avowal of the hon. Secretary of State that the office of Receiver-General was filled by a person who need not necessarily have much experience, that it is a sinecure, and was to be got rid of. They were going to create a new office, and we all know that that new office will be a piece of patronage. There is every inducement for the Government to create that office if they can, and thereby get another head to the Department of Justice, which will then be a double-headed department. My hon. friend

*Hon. Mr. Dickey.*

from Toronto has also urged that it is highly necessary there should be an Attorney-General to carry on the criminal business of the country. Does my hon. friend know so little of the manner in which the criminal business of the country is done?

Hon. Mr. BROWN—I deny that I said that. I referred to the penitentiary business and the criminal appeals.

Hon. Mr. DICKEY—I understood my hon. friend to base his advocacy of this new piece of legislation upon the ground that an Attorney-General was necessary to conduct the criminal business of the country.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—Of course I am bound to accept his explanation that he did not mean anything of the kind. We all know very well that the criminal business of the country is, to a large extent, in fact, almost wholly, a local affair, and that it is done as it is in Ontario at this moment and in other Provinces, by Queen's Counsel, and has no connection with the Minister of Justice. We have had Ministers of Justice before the present one, whose capacity to fill that office has never been called in question. We have had the eminent man who lately retired from the office of Minister of Justice, and we had no complaint from that gentleman. But we had a still more eminent man, his predecessor in the late Government, and from neither of those gentlemen have we heard a complaint or have we seen any desire on their part to shirk the duties of their office.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—On the contrary, we have the best authority for stating with regard to the gentleman who held that high office in the previous Government that he not only did his duty thoroughly and well, but without any complaint on his part that he was overworked, and I cannot see how the necessity has arisen for the creation of this new office. I have reason to believe that the late occupant of this high office, the eminent man who so lately retired from it, was an extremely painstaking person, and no doubt devoted as much time to the examination of questions that came before him

that peculiarly applied to the Department of Justice as any conscientious lawyer could have done. Indeed, even from the character of his mind he is disposed to occupy more time than was absolutely necessary, but under all those circumstances we have not heard until the present occupant got into office of the necessity of appointing an additional officer to assist him in the discharge of his duties. My hon. friend says it is necessary, because during the session of Parliament the attention of the Minister is too much occupied with committees and parliamentary work. The hon. gentleman knows it has always been the same, and I only wish the Minister of Justice did pay a little more attention to the bills sent up to us, because it throws a great amount of labor upon the legal gentlemen of this House at times to remedy the imperfection of bills from the Lower House.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—But we endeavor to get through this legislation, and so far the public interest has not been in any way imperilled for want of examination of those bills. Under those circumstances I certainly cannot vote for the creation of this office, and the only reasons upon which I hesitate to support this measure are shortly these:—That this abolition of the office of Receiver-General is a part of a change of system, of which we have only a portion before us; that we were not in a position to examine it as a whole, and upon the further ground that we are called upon to consider it at the very tail end of the Session of a moribund House—the last that can be held in the history of the present Administration, unless they are supported by the country—and I think it would be unwise to make such a change in the Departments, admittedly under the guise of economy and retrenchment, but really to give the Government the patronage and power to appoint a new officer; because, although we abolish one office by the Bill, we create another, so that there is no retrenchment, no saving, although the country is told that this is done for the sake of economy. Under these circumstances, I think that the House will do well to let this matter lie over until another Session.

Hon. Mr. KAULBACH—As this is a Government measure, and I am opposed

Hon. Mr. Dickey.

to it, I should like to say a few words before casting my vote. It appears to me there is no necessity for having two heads to one Department. It is objectionable in every way, and can only be appreciated for its novelty, each having the same status and co-ordinate powers. We have never heard of such power being given conjointly to two Cabinet Ministers, each with a seat in Parliament, in one Department in England; and we cannot suppose that the Minister of Justice in this country has as much business to attend to as there is in the same, or any, Government Bureau in England. Business may have increased in the Department of Justice since other Provinces have been brought in, with laws extended and with the increase of population, but all that is required, if anything is requisite, is increased official help, and that can easily be done with the assistance of another lawyer. Already two-thirds of the Cabinet are lawyers, and to put another into the Department and give him co-ordinate powers with the Minister of Justice, might incur strife, as there is no provision made to prevent a conflict between them. Circumstances do not call for such legislation, and it appears to me to be more than the service, if conducted by one able head, requires. And I do not believe that the business increase is of such a character—as it mostly, I suppose, is in the shape of references from other Departments—as to justify the Government in making any such appointment. They may increase the officials in the Department if necessary, but not appoint another head to it. Under the late Government we had an hon. gentleman who not only promptly and efficiently performed the duties of Minister of Justice, but he was also leader of the Government at the same time. Yet the duties of the Department were performed in a satisfactory manner. The difference between this Government and the late Government is this—that the present Ministry have already had four Ministers of Justice, and whenever they appoint a new Minister of Justice they soon find it expedient to change him, before he can acquire a thorough knowledge of the duties of the office. The consequence is the work of the Department become burdensome to unaccustomed hands and to men who do not understand it. I am

very much of the opinion of my hon. friend from Sunbury, with regard to the amalgamation of the Department of the Receiver-General with that of the Department of Finance. It will remove necessary checks upon the payments of money, and the check upon the spending Departments ought not to be abolished. There is no precedent for it. By the proposed Bill of Amalgamation the Department of Finance will apparently order payments and pay its own orders. There should be a distinct check between payments and receipts. It has been said the office of Receiver-General is a sinecure; it is no fault of this side of the House that it is so, and the change now proposed seems me to be only a sort of death-bed repentance on the part of the Government to make this pretence of economy and retrenchment at the end of their five years term. It appears to me the motive is to wedge out of office another Nova Scotian, to turn Mr. Coffin out of office; if that is the object a more frank and manly way should have been taken. If that is not the object they would have made the discovery five years ago, that the office of Receiver-General was only a sinecure. I am also opposed to the appointment of two heads to the Department of Justice, it is not economy but the reverse. I do not think the business of that office has increased to such an extent as to require an Attorney-General to assist in discharging those duties. There is neither economy nor wisdom in this Bill, but increased cost, and I will be obliged to oppose it. I could have supported it if the object of it was merely to reduce the number of Cabinet Ministers. But to abolish the office of Receiver-General in this style and by such a manner, cannot have my approval or support—especially when it is intended to add another officer and increase the cost of administration.

Hon. Mr. POWER—I think the rejection of this Bill on the part of this House is a matter that requires a little consideration. Of course, being a party man, I do not look upon it from the same judicial standpoint as the hon. gentleman from Richmond; and probably the remarks which I shall make to the House will not be characterized by the same moderation that he has shown. The best way in dealing with a subject of this kind is to look at the measure itself, and not to in-

*Hon. Mr. Kaubach.*

dulge in speculations as to why it is introduced; and if it commends itself to the wisdom of the House they should approve of it. It is our business to speculate as to the person who is to fill the office; we are simply to deal with the measure on its merits. I think that is the dignified and proper stand to be taken by this House on measures that come before us. It was admitted by both sides in the other branch of the Legislature, that the duties of Receiver-General were not of such a character as to require that there should be a member of the Cabinet to perform them; and the existence of that officer as a member of the Cabinet would be rendered less necessary by the Bill to provide for the appointment of an Auditor-General independent of the Finance Department, and directly responsible to Parliament. The only objection taken in the Lower House appeared to be against the creation of the new office of Attorney-General. The Bill does not create an additional office; it simply abolishes one office and creates another, so that it leaves matters just as they were, as far as the number of offices is concerned; and it will not, be necessary to bundle out a Nova Scotia Minister neck and crop, as has been suggested by the hon. gentleman from Richmond. I think if this change were made the Receiver-General might take another office, and I understood the hon. gentleman from Cumberland to say, that the office of President of the Council was such a one as might be filled by the hon. gentleman who now occupies the position of Receiver-General.

Hon. Mr. DICKEY—Does the hon. gentleman propose that the present Receiver-General shall be transferred to the office of President of the Council.

Hon. Mr. POWER—I do not say so.

Hon. Mr. DICKEY—I did not know but that the Government were going to their political death, and they might require a "coffin" to bury them.

Hon. Mr. POWER—I am not in the confidence of the Government, but I can speculate on political changes as well as any other hon. gentlemen; and it seems to me to be likely that the hon. gentleman who now fills the office of Receiver-General might be appointed President of the Council; as I do not see any reason why the representation of Nova Scotia in the

Cabinet is to be diminished. The work of the Receiver-General's Department can be done without having the official head in the Cabinet; and the argument that this office has existed for a number of years, and that it is rather late in the day to make a change, goes for nothing. The fact that, after five years experience, the Government have found that this office can be done without, and another office is required in another Department, is a sufficient reason for the change being made; and the Ministers themselves are the best judges in which Department the most assistance is required. There are at present no less than four Ministers who deal with the finances; the Finance Minister, the Receiver-General, the Minister of Customs, and the Minister of Inland Revenue, while the legal business, which is almost as important, all devolves upon one Minister, who takes the place of the Lord Chancellor, Attorney-General and Solicitor-General in the Imperial Government. It seems to me that that is too much work to place on the shoulders of one gentleman. It has been said that under the previous Administration the work was efficiently performed by one officer, but in the discussion which took place on this measure in the Lower House, the fact was elicited that since 1868-9 the business in the Department of Justice had gone on increasing in a very rapid ratio. Take, for instance, the number of questions referred for the opinion of the head of the Department; they have increased from something like 2,000 in 1872, to 7,000 in 1877. This has been no sudden increase, but it has gone on continuously. It has been suggested by the hon. gentleman from Cumberland, as a reason why this additional officer is to be appointed to the Department of Justice, that the present occupant is not as talented a man as the gentleman who preceded him. The late Minister of Justice, the hon. member for South Bruce, is all that the hon. member for Cumberland stated—one of the most industrious and hard-working men in Canada—and this Bill is more the expression of his views after his experience of the duties of the office than of the views of anyone else. I know that he supported the Bill in the other House in a forcible speech, in which he showed that he was, at least, as much convinced of its

*Hon. Mr. Power.*

necessity as any other gentleman. With all the energy and talent that Mr. Blake could devote to the Department, he had found the work too much for him; and under these circumstances, I think we are quite right in concluding that there is a necessity for additional assistance in the Department of Justice. Some hon. gentlemen have spoken of it as a double-headed Department. I may be mistaken, but my impression is that some years ago, before the Provinces were united, there were two legal officers, an Attorney-General, and a Solicitor-General, in the Cabinets of New Brunswick and Nova Scotia, and my impression is that there was less legal business to be looked after in New Brunswick or Nova Scotia at that time than there is in the Government of Canada to-day.

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. POWER—It is perfectly clear that the abolition of the office of Receiver-General will do no harm; this is admitted in the other branch of the Legislature where the Public Accounts are supposed to be studied more carefully than they are here, and the financial business of the country is more familiar to the members than it is to this House. The only opposition manifested there was to the appointment of an Attorney-General, but when it appears to the most eminent legal gentlemen in the country, that the work of the Department of Justice is too much for one man, I think it will be most unreasonable for this House to reject this Bill.

Hon. Mr. HOWLAN—I do not agree with the remarks that have fallen from the hon. gentleman from Toronto (Mr. Brown) who stated that nine heads of the departments would do the work more efficiently than twelve or thirteen. I have always been of the opinion that in a multiplicity of councillors there is wisdom, and I question if, under the original scheme of Confederation, you could very well—with due respect to the interests now represented in the Dominion Parliament—do with less than twelve Cabinet Ministers. I was surprised that some hon. gentleman, in this debate, had not alluded to the fact that the Ministers have not been more evenly divided between the two Houses of Parliament. There are only two Ministers of the Crown on the

floor of this House, although, in my opinion, we should have four at least. I am aware of the fact that the Government who are carrying on the business of the country, who have the confidence of the people, should necessarily be in a position to state in what way they desire to carry on the public business. It is apparent to anyone of common intelligence that the mere filling up of this office does not require an extraordinary amount of ability, judging, at all events, from some gentlemen who have filled the position. The Customs is one of the most important offices in the Administration, and it has been, up to a short time ago, occupied by a gentleman not very much distinguished for his abilities; but the same cannot be said of the present head of that Department. It is well known that the deputy heads of the Departments are really the gentlemen who carry on the business of the country; and it appears, therefore, that the fitness of a Minister for any particular office, is almost a matter of indifference. While the Government consider it their duty to bring down a Bill for the manipulation of the public service, they have laid nothing before us to warrant so important a change being made in the present system of carrying on the affairs of the country, particularly as we are now on the eve of a general election. I confess if we were in the first session of a Parliament, I should look at the matter with great care before casting my vote; but when it is an open question as to what Government may administer the affairs of this country next Session, I think no great injury can be inflicted on the public service, if this is allowed to remain over until another year. I was struck with the view that has been entertained by some hon. gentlemen of the majority in this branch of the Legislature, when in another Parliament, not very far distant, the majority did not seem to be considered of very great account.

Hon. Dr. CARRALL—I do not propose to speak with regard to the advisability of the proposed change; but since I have sat in this House, I have discovered that there is a certain amount of anxiety generally manifested on the eve of a general election to tinker at the Constitution. I do not rise to advocate the retention of the office of Receiver-General, or that it should exist at all under a more

*Hon. Mr. Howlan.*

euphonic name than that of Coffin, but I do think those constant changes are undesirable, as they unsettle the public mind. I don't think, on the eve of the death of a Parliament, or of a Ministry which, God forbid, there should ever be a resurrection of, it is desirable that this particular change in the Department of Justice should be made, and I shall vote in support of the amendment.

Hon. Mr. SCOTT—As several gentlemen have adverted to the fact, that another Bill of a similar character to this one has yet to come up from the Lower House, and have stated that they would be better able to come to a conclusion on them if they had the two measures before them, if it is the wish of the House, I shall let this Bill stand over for a few days.

Hon. Mr. CAMPBELL—It appears to me that this is a matter that might very safely be allowed to remain over until another Parliament. I do not think it is wise for a moribund Parliament to change the system under which the public service is being conducted, especially when they had ample opportunity, at any time during the past five years, to make the change if they had found it advisable to do so. The present system, so far as I know—at all events up to very lately—has worked well for ten years, and it seems to me, where the public service has been well conducted for ten years, that it is a strong recommendation that no change should be made, at least until the new Parliament is elected.

Hon. Mr. SCOTT—That being the view of the leader of the Opposition, I presume it is better to take the sense of the House at once on the Bill. I desire to inform the Senate, that the introduction of this Bill is not a new idea, or one that has arisen within the last few months. It is the result of the observations and experience of the hon. member for South Bruce, and if hon. gentlemen will read the speech that he made last year in addressing his own constituents, they will see he then stated that he had satisfied himself the business of the Department of Justice had trebled within the last six years. It has always been conceded that the ex-Minister of Justice had devoted his entire time and attention to the details of the Department, and it

is very well known it was in consequence of the heavy labor devolving upon him in the administration of that office,\* and the heavy tax upon his mental and physical powers, that he had to withdraw from it. It was entirely at the instance of the member for South Bruce, this Bill was introduced, and not on the suggestion of the present Minister of Justice. I desire also to call the attention of my hon. friend to the fact, that in the last Session in which he had the honor of leading in this Chamber, His Excellency was pleased to announce that it was then in contemplation to increase the number of the Executive, owing to the addition of other Provinces to the Dominion having caused a corresponding increase in the work of the Administration. That reference was made in a paragraph in the Speech from the Throne in 1873, and I am sure the hon. gentleman from Kingston will be prepared to admit that the Department of the Interior which was subsequently created, is a very large and important branch of the Administration, and one that will necessarily increase. As to the number of Ministers, under our present system, until the several Provinces have become more homogeneous, I do not think it would be wise to disturb the present arrangement, and that the number of Ministers should be increased rather than diminished. With reference to the abolition of the office of Receiver-General, it met with the approbation of gentlemen in the other House who have had a good deal of experience in Governments. They did not agree, however, in the view that the creation of the additional office of Attorney-General was necessary.

Hon. Mr. CAMPBELL—With reference to the increase in the labor in the Department of Justice, I have no doubt it has been very greatly augmented by the number of references that were made to the Minister from other Departments. I apprehend, however, it was practically owing to the want of application and want of determination on the part of the heads of the other Departments. I have a strong conviction that that was the case. If the head of a Department—no matter what Department it is—thinks well to get rid of the responsibility of any question, he refers it to the Minister of

Hon. Mr. Scott.

Justice and avoids it himself. I think, if the number of references came to be enquired into, a great many of them would turn out to be such as I have alluded to.

A division was then taken on the amendment with the following result.

CONTENTS :

The Hon. Messrs.

Aikins,	Guevremont,
Alexander,	Hamilton, ( <i>Kingston</i> )
Allan,	Haviland,
Bellerose,	Howlan,
Botsford,	Kaulbach,
Bourinot,	McLelan ( <i>Lon'd'ry</i> ),
Campbell,	Macdonald ( <i>Victoria</i> ),
Carrall,	Macfarlane,
Chapais,	Macpherson,
Chinic,	Miller,
Cornwall,	Montgomery,
Dever,	Muirhead,
Dickey,	Odell,
Dickson,	Read,
Dumouchel,	Sutherland,
Ferrier,	Trudel,
Girard,	Wilmot.—34

NON-CONTENTS :

The Hon. Messrs.

Baillargeon,	McClelan, ( <i>Hopewell</i> ),
Brown,	McMaster,
Bureau,	Paquet,
Chaffers,	Pelletier,
Christie ( <i>Speaker</i> ),	Penny,
Cormier,	Power,
Fabre,	Pozer,
Haythorne,	Reesor,
Hope,	Scott,
Leonard,	Vi al.
Lewin,	Wark.—22

BILLS INTRODUCED.

FIRST READINGS.

The following Bills from the Commons were introduced, and read the first time.

Bill—"An Act respecting the duty on Malt."

Bill—"An Act to provide for the creation and registration of Homestead Exemption estates in the Territories of Canada."

Bill—"An Act to amend Section sixty-eight of the Penitentiary Act of 1875."

Bill—"An Act to amend the Canadian Pacific Railway Act of 1874."

## ONTARIO EXPRESS AND TRANSPORTATION COMPANY'S BILL.

SECOND READING.

Bill—"An Act respecting the Ontario Express and Transportation Company," was read the second time.

AFTER RECESS.

## THE ONTARIO EXPRESS AND TRANSPORTATION COMPANY'S BILL.

SECOND READING.

Hon. Mr. HOPE moved the second reading of the Bill intituled, "An Act respecting the Ontario Express and Transportation Company." He said, this company had been incorporated by letters patent under the Ontario Joint Stock Companies Letters Patent Act of 1874, and they now came before this Parliament asking for Dominion powers.

The motion was agreed to.

## CONSTRUCTION OF THE PACIFIC RAILWAY.

THE DEBATE CONTINUED.

The Order of the Day having been called for resuming the adjourned debate on the Hon. Mr. Read's motion—

"To resolve, That this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway, involves the expenditure of enormous sums of public money without any corresponding beneficial results,"

Hon. Mr. TRUDEL said:—On Friday last, before this House adjourned, I tried to establish that for a country of limited resources the only reasonable way to build a great public work like the Pacific Railway was by interesting private enterprise in it, as was done in the case of the Grand Trunk Railway Company and in the early settlement of this continent. I might add to the example I furnished the other day the example of the East India Company, which has done so much to increase the wealth and prosperity of England. This colony of Canada, when in its infancy, and when its means were very limited, accom-

Hon. Mr. Hope.

plished something extraordinary through its excellent organization. Development was rapid in spite of all the difficulties she met in her way. Receiving no aid from France, Canada had to depend upon herself. At a time not very remote from the conquest, the colony produced more wheat in proportion to the number of its inhabitants than it does now. The quantity produced was equal to thirteen bushels per capita, while according to the last census, if I remember well, we hardly produced three bushels per head. It was the same with other produce. The whole colony was then sustained by the produce of the soil. They imported nothing that was requisite to feed and clothe themselves. At that time the expenses of the colony were comparatively immense on account of the wars which had to be waged for about twenty-nine years against armies as large as the entire population of the country, without speaking of wars against Indians, and we see by the millions expended by the United States what an Indian war costs. Moreover, at that time the hardy pioneers of the colony had already explored almost all the continent of North America from the Atlantic to the Pacific, and from our great lakes to the Gulf of Mexico. These are facts which I only mention *en passant*, and only to show the vitality and strength of a colony established on the principle I have mentioned. It may be said that the present Government recognized the wisdom of their predecessors by adopting, almost in its entirety, the railway policy of their predecessors, by the Statute passed in the Session of 1874, but I shall endeavor to point out the difference there is between the two Acts. The second clause of the Act of 1872 (35 Victoria, chapter 71) provided for the construction of the railway by private enterprise, and to this was added the words, "and not by the Dominion Government," to define even more clearly the policy of the Government. The third clause provided for a subsidy in land and money, and the land was given in alternate blocks on each side of the line in such a way that one-half was retained by the Government for the benefit of the Dominion. This was a well defined and well digested policy, similar to what was called in early days the system of *proche en proche*, followed for the establishment of the Seigniories.

The present Government, to a certain extent, re-enacted the railway measure of 1872, but they left it optional to construct the road by private enterprise or directly by the Dominion. I consider that a great mistake, and we see the effects of it already in the expenditure of nearly \$10,000,000 with very small results to show for it. It may be contended that the grants of land and money offered by the late Government were not sufficient to induce private capitalists to undertake this work. I do not admit that; and I am not aware that the Government have ever taken steps to ascertain what could be done in that way. In fact, the system never had a trial. I think one great reason why no capitalists have come forward and offered to take contracts for sub-sections, as provided by the 8th Section of the Act of 1874 (37 Vict., chap. 14) is because the Government have not commenced the work in a proper way or in the proper place. My hon. friend from Belleville remarked the other day that the first thing to be ascertained in building a road is where you are going to; but it is still more important to know where you should start from, and it was a great mistake that this was not definitely settled by the present Government in 1874. In 1872, by letter dated 9th of July, and which is still of record amongst public documents, Sir Hugh Allan offered, if he obtained the contract, to build, at his own expense, a branch to unite the railways of our Province, connecting the Intercolonial with the Pacific at the eastern terminus southeast of Lake Nipissing. At the time he intended to build the whole Pacific Railway as a private enterprise and he was joined by a number of capitalists, representing immense financial strength. This indicates what might have been done if the Government had encouraged private enterprise. This Senate has lately passed a Bill to put the Canada Central in a position to continue as far as Lake Nipissing. And we are informed that the contract to build that road is signed, thus showing what private capital can do, and how this connection is needed. I contend the only logical way to build the Pacific Railway, is to commence at the eastern end, connecting with this road in the Ottawa Valley, and to build westward. I contend it is the most economi-

cal way, and it met with the approval of Parliament in 1872. When British Columbia came into the Confederation, the following, amongst other resolutions, were adopted by a large majority of both Houses:

"Sec. 11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia, with the Railway system of Canada; and further, to secure the completion of such railway within ten years from the date of the Union." (Journals House of Commons, Session 1871, vol 4, p. 198.)

The Act of 1872, 35 Vic. Cap. 71, section 1, reads as follows:

"A railway to be called 'The Canadian Pacific Railway,' shall be made in conformity with the agreement referred to in the Preamble of this Act, and such railway shall extend from some point on or near Lake Nipissing, and on the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Governor-in-Council."

Thus fixing the starting point, referred to in the resolution, on the south shore of Lake Nipissing, and providing that the precise place should be determined by the Governor-in-Council. The same clause was re-enacted in the Act of 1874. Accordingly, Orders-in-Council were passed fixing that terminus, and maps have been issued showing the exact point fixed upon for the eastern terminus. I say the Statute imposes an obligation on the Government to begin the work simultaneously at both ends. That obligation the Government cannot evade; it is the law of the country. The Dominion is pledged to it. The obligations of this Dominion towards the people of British Columbia, have been often, in strong terms, and very properly advocated in this Legislature. The foreign office thought fit to intervene, and to urge upon the Canadian Government the necessity of doing justice to them. A sum of two millions of dollars was offered to that Province to build the Esquimalt and Nanaimo branch as compensation for the delay in building the main road, and if it had not been for the action of this House an additional burden of \$2,000,000 would have been inflicted on the country. This

is what has been done for the 60,000 inhabitants of British Columbia, and every day we show our anxiety to do them justice. But what has been done for the 1,500,000 people of Quebec and the Ottawa Valley, in whose favour it was stipulated that the construction of the road should be commenced simultaneously at both ends? Surely the resolutions are as binding in their favour as they are in favour of the 60,000 inhabitants of British Columbia? A syngraphic contract was entered into, without which the people of Quebec would not have consented to the resolutions, and they ought to have the clauses in their favour complied with. To justify the contract given for nuts and bolts without tender the hon. Secretary of State invoked the "sacred bond" binding the Government to give them the contract as they had already been awarded the contract for the rails. Does not the law of the country create for the hon. Secretary of State as strong a bond for the construction of the Georgian Bay Branch as it has in the other case? Now I shall endeavour to show not only are the Government bound by Statute to commence work on the eastern end of the line, simultaneously with the western end, but it should be done in the interests of the whole Dominion. It is now admitted by everybody that the water stretches' scheme is impracticable. To its adoption may be attributed most of the costly blunders which have been committed by the Government. Suppose the Government could succeed in building a road from Fort William to the Pacific Coast. I say it would practically be of very little use to the Dominion, and the United States would reap the principal advantages from the expenditure. The policy of running the road to Fort William and stopping there, leaving the eastern section to be built by our grandchildren, is but little better than the "water stretches" scheme, because it can be of no use to us for six months in the year. The effect would be to throw the whole trade of the great North-West into the United States, because the stream of commerce having once made its way towards that country, it will be very difficult to divert it, and bring it back to the Dominion. It is well known that American capitalists are organized to build railways to get the benefit of our large out-

Hon. Mr. Trudel.

lay upon our national enterprise. If we were to commence the work of construction as it was originally intended we should carry the road from the Ottawa Valley westward. The trade which it would develop would help to pay running expenses until the development of the North-West would augment trade to such an extent as to yield some return for the capital expended. Our old Provinces would immediately get the benefit of the trade created by the colonization of the country along the road, our settlements would extend toward the west without interruption; and my hon. friend the Minister of Agriculture would keep our immigrants on our soil, instead of losing nine out of ten of them when sent to the west through the United States where they almost all remain. I shall now proceed to show how money might have been saved by pursuing this course. For instance, the large amount expended for the transportation of rails and other materials might have been saved if work had been commenced at the eastern end. If the Pembina Branch had been constructed two years ago, there would have been some justification for paying the Kittson Line such an enormous sum for transporting rails for it, on the ground that it would have afforded railway facilities to the people of Manitoba; but the rails are rusting there and the people have no return for the outlay. If that money had been expended in the construction of the eastern section the country would have had the benefit of it. I know one of the greatest objections to it has been stated by the hon. Secretary of State (whose words I have taken down)—that the north shore of Lake Superior is one of the most inhospitable parts of the continent. With all deference to the hon. gentleman, who has, no doubt, stated what he sincerely believes, I am prepared to prove to the contrary. Many parts of this country which are now well settled have, in days gone by, been condemned as inhospitable and unfit for settlement. When France abandoned Canada it was said it would be absurd to send men and spend money to maintain possession of "a few acres of snow." That was the opinion that was entertained in the Court of France at that time, of the country which now forms the Dominion of Canada and the Mississippi Valley. In the Province

of Quebec the Valley of St. Maurice, which is now considered a very rich country, and the St. John Lake district, which produces wheat in immense quantities, were but twenty years ago regarded as uninhabitable. I shall now read from Mr. Fleming's report on the Canadian Pacific Railway surveys, a description of the country lying north of Lake Superior, which the hon. Secretary of State regards as the most inhospitable region on the continent. Mr. Fleming says with respect to the section between Lake Nipissing and Lake Nipegon:—

"The exploration from Lake Nipissing to the mouth of the River Pic proved satisfactory. It was found that nearly the whole of the country though which the line is projected in this section, offers a fair site for the railway. Abundance of timber and a proportion of good soil is reported." (Rep. of 1877 P. 50.)

Of course the soil which produces that kind of wood is not always the best, but the report shows that there is good land which produces all the grains which are cultivated in the different Provinces of the Dominion. I will cite from Mr. Austin's report on explorations between Lake Nipissing and River Pic, extracts giving a good idea of the country generally:—

"Following the Lake (Nipissing) shore for about twenty miles, and thence striking directly to the mouth of Smoky River, twenty-eight miles from the starting point, the soil is good, about one-quarter of the distance is *brule* and the rest generally well timbered with pine and evergreen woods and a variety of hard woods; thence to the fiftieth mile along the valley of the Sturgeon River, level and well timbered; soil good."

And then, going on to describe the country in the direction of Lake Missinabee, he says:—

"Most of the distance up to this is surprisingly level, gravel and sand abounding, with some good soil near the rivers (and the country is all over crossed by rivers) where wild peas, oats and barley, were seen growing luxuriantly, and abundance of timber—spruce, tamarac, balsam, pitch-pine, white birch and poplar."

Proceeding to give a general appreciation of the country all along the line, in this part of the country, he says:—

"Nearly the whole of the country through which the line is projected offers a fair site for a railway, and is what might be called a gen-

Hon. Mr. Trudell.

erally level country, comparatively but little rock existing in the immediate neighborhood of the proposed location. Abundance of wood can be had, although much of it has been destroyed by fire. It consists of pitch-pine, spruce, tamarac, white birch, balsam, cedar and poplar. In places the timber is small as yet. But little clay exists to the eastward of Notosogoma Lake, but abounds towards the Pic River."

We see that, though of not the very best quality, the country is far from being of that inhospitable character which has been represented. It was alleged that such was the character of that country that it would not be possible to establish stations nor the necessary staff for maintaining the road. The foregoing extract is more than sufficient to do away with such an impression, and other reports which I shall cite will show, as a matter of fact, that this country is far more advantageous for colonization purposes than was at first reported. It is known there are many parts of that country called *brulés*, where the fire has swept over the face of the land and it presents a very desolate aspect. This is what created the wrong impression which prevailed. In our Province, for instance, I know a large tract of country, worth \$40 an acre now, which was sold sixty years ago for a barrel of Jamaica. It was a *brulé* and was not considered of much value. I shall now refer to another report which is quoted by Mr. Fleming. It is from Professor John Macoun, M. A., Professor of Botany, Albert College, Belleville, and reads as follows:—

"During the summer of 1869, Professor R. Bell, of the Geological Survey, examined the region around Nipegon River and Lake, and reported that there were large areas of land, both in the vicinity of the Lake and River, well situated for agricultural purposes. Speaking of the Nipegon country, he says: 'In the Nipegon country, the largest tract of good land appears to be on the southwestern side of the lake, from the Noawatin River northwards, to the Pagit-chigama, a distance of fifty miles, the country is comparatively level, and the soil generally fertile; but we could not ascertain from our explorations how far westward this tract extends. The Indians and others, however, represent it as continuing nearly to the River Winnipeg, and becoming more generally level in receding from Lake Nipegon. Some of the peninsulas in Lake Nipegon, within the above distance, are hilly, but the soil generally is good, even on these, consisting of a brownish loam sufficiently tenacious, when moist, to retain its form after being pressed in the hand. The rivers entering this part of Lake Nipegon, as far

as examined, were found to flow with tortuous courses between muddy banks of clay, over-spread with fine sand. The clay, as seen in the banks generally appears sandy from having become mixed with the overlying deposit; but when clean sections are obtained, it is usually found to be stiff tenacious and free from grit. On the higher levels the sand is often coarse and stratified with layers of gravel.

"There is a considerable area of good land around the bottom of South and McIntyre's Bays and on the peninsulas east of the latter Bay and Gull Bay. From the mouth to the first rapid on the Poshkokagon, the loamy banks of the river are from twenty to thirty feet high. The River Kabitotquia is so crooked that, by following its windings from the mouth to the portage leading to Chief's Bay, the distance was estimated to be fully thirty miles, although it is only nine miles in a straight course. On both sides the country is level and the soil sandy, supporting a growth of grass and bushes, the timber having been all burned off by repeated fires within the last few years. The land is free from stones, and very little labour would be necessary to make it ready for the plough."

After this quotation of Professor Bell Mr. Macoun goes on to give his own opinion of the country as follows:—

"A number of other localities are mentioned having a good soil, and capable of supporting a large population.

"During the summer of 1869, I made extensive collections of the plants in the immediate vicinity of Lake Superior, and at some distance from its shore, and in no case did I find boreal plants except close to the Lake. Although the greater part of the land was covered with spruce, it was quite evident that if this were cleared away the land would be drier, and a different vegetation would spring up. In the summer of 1870, very extensive fires took place and much of this timber was consumed. My second visit confirmed the opinion I had formed on my first, that the apparent coldness of the Lake Superior region was caused by a superabundance of moisture. Even three years had made a change, and the vegetation now springing up was indicative of a drier climate."

I have no doubt but that much of the land on the eastern side of the watershed is suitable for cultivation, and that, taken as a whole, it is little behind many parts of the Laurentian country in Ontario."

Of course, I understand that portion of the country is cut by ridges of rock, and some parts of it are not suited for settlement; but it is a fact that all along the north shore of Lake Superior and between the eastern part of Lake Nipissing and south and west of Lake Nipegon, the country presents advantages equal to those of other parts of Canada. I think it was a great mistake on the part of the Gov-

*Hon. Mr. Trudel.*

ernment to attempt the construction of the Pacific Railway as a public work, and build it exclusively by grants of money, as is being done. And I would call attention to this fact, that after the expenditure of \$10,000,000 upon it, we have not sufficiently interested anybody in the future prosperity of that part of the Dominion where work has been commenced to induce a settlement in it. When this continent was colonized it was by means of grants given as rewards to those who exerted themselves to settle the country. If the Government had appealed to the self interest of the engineers and other parties employed in explorations and the building of the road, by offering to pay them one-third in money and two-thirds in land-grants, they would have exerted themselves to present the advantages of that country to settlers. Every one of them would have become a colonization agent, the founder of a new colony would have made his land grant his home, and would have been bound to the soil in the same way as the early settlers of the country were. That was the plan adopted in the early settlement of Canada. Those who held official positions under the French Government received very little in the way of salary for their services, but they were granted large tracts of country which made the fortunes of their children. I can understand, if we had the wealth of England, the wisdom of building this great railroad by money grants, but in the state of our finances and with our limited means, we must find some other way to construct it. For a young country like ours, with annual deficits, and increasing burdens, it is astonishing how unwisely the public money has been expended. I find there has been expended upon a telegraph system west of Manitoba and east to Fort William, which is of no practical benefit at all, a sum of \$305,000. I have just been informed that this line never earned \$20 since it went into operation. If the work on this railroad had been conducted properly, the telegraph line could have been made in connection with the building of the road, since it is of no use as long as the road is not built. That telegraph line could have been built for one-tenth of the amount it has cost the country. The Pembina Branch has cost \$208,163 and large sums

have been expended in the purchase and transportation of rails. It is the same with most of the other works in connection with our Canadian Pacific Railway. If the original scheme had been followed, that is, if it had been commenced at its eastern terminus and built westward, as provided for in the legislation of 1871 and 1872, by private companies subsidized with sufficient land grants, coupled with limited money grants, the greater portion of the money already expended would have been saved. By way of illustration, let us examine the summarized statement of the payments made on the Pacific, as described in Appendix Z. of Mr. Fleming's report, p. 383. On the contracts, 31 in number, a sum of \$4,942,739.12 was paid up to the 1st of January 1877. The contracts 1, 2, 3, and 4 for Telegraphs, amount to \$305,054. Nine-tenths of that sum would have been saved by constructing the line with the road, and of that tenth, one third only should have been paid in money. Contract No. 5, is for the Pembina Branch, \$208,163.00, two-thirds of which could have been paid by land grants, say a saving of \$138,775.40. Contracts No. 6, to 11 are for rails and amount, in the aggregate, to \$2,812,494.00 without speaking of the blunder committed by buying that immense quantity on a falling market, which caused a loss of more than a million and a half; \$1,874,996.00 would have been saved by paying two-thirds of that by land grants. Contract No. 12 is for the Georgian Bay Branch and represents a net loss of \$41,000.00. Contract No. 13 for grading and bridging the line from Fort William to lake Shebandowan, cost \$239,220.00; two-thirds paid in land grants, would have saved \$159,480.00. Contract No. 14 for grading and bridging from Selkirk to Cross Lake cost \$214,500; two-thirds paid in land grants would have saved \$143,000. Contract No. 15, for grading and bridging from Cross Lake to Keewatin costs \$1,594,083; two-thirds paid in land grants would have saved \$1,061,696.00. I may remark that this item is left in blank in the appendix, with two other items, which I fill with the valuations made by the engineers of the work under contract. Contract No. 16, subsidy to Canada Central, proportioned to work done, that is \$68,000, is a proper expense, but would be useless if the Government were to persist in their pol-

Hon. Mr. Trudel.

icy of abandoning the eastern part. Contract No. 17, for transfer of rails to British Columbia, \$51,462.96, was necessary to carry out the former agreement, but two-thirds might have been paid in land grants, saving \$34,308.64. Contracts 18, 20, 21, 22, for transportation of rails from Montreal, amounting in the aggregate to \$287,929.58, might have been avoided. The road, if commenced at its eastern terminus, would have transported its own rails and other materials, and saved four-fifths of this sum, say a saving of \$230,343.67. Contracts 19 and 24, for engineer's houses, are a useless expense, as the establishment of groups of settlements, would have rendered it unnecessary and saved an expenditure of, say \$4,683.70. Contract No. 23, for sleepers from Fort William westward, cost \$14,648.14, two-thirds paid in land grants would have saved \$9,765.43. Contract No. 25, for grading and bridging from Sunshine Creek to English River, costs \$129,100; two-thirds paid in land grants would have saved \$85,800. Contract No. 26, for engineers' shop and works, \$30,989; two-thirds paid in land grants would have saved \$20,600. Contract No. 27, for transportation of rails from Montreal, cost \$89,060, work which would have cost hardly one-fifth of that sum, had those materials been transported by the railway itself, saving \$71,248. Contract No. 28 was not executed. Contract No. 29 for spikes, cost \$8,550.00; two-thirds paid by land grants would have saved \$5,900.00. Contract No. 30, for bolts and nuts, cost \$16,160.00; two-thirds paid in land grants would have saved \$10,774.00. Contract No. 31, for bolts and nuts, cost \$6,800.00; two-thirds paid in land grants would have saved \$4,534. The two last items of this appendix, for inspection of rails, insurance, and commissions, \$218,553.06, and engineering and supervision of construction, \$216,754.11; in all, \$435,317.17 would have been saved—at least four-fifths of it—making a saving in money of \$4,519,758.52, which would have been effected on the thirty one contracts enumerated in said Appendix Z, and executed up to the 1st of January, 1877. Now, taking the expenditure on the surveys on the Pacific, up to the 1st of January, 1877, we have,

according to Mr. Flemings report of 1877, a sum of \$3,136,615.75. Two-thirds of that work, paid in land grants, would have saved a sum of \$2,091,077.17, which, added to the above sum, makes \$6,610,835.69, as appears by the following table:—

TABLE showing the amounts of Money which would have been saved on the price of the Contracts executed for the Building of the Pacific Railway, up to the 1st of January, 1877, had the road been built in conformity with the "Canadian Pacific Railway Act of 1872."

No of CONTRACT.	NAME OF CONTRACTOR.	OBJECT OF THE CONTRACT.	ACTUAL COST.	SAVING.
No. 1	Sifton, Glass & Co.,	Telegraph, Winnipeg to Selkirk		
2	Richard Fuller,	Livingstone to Edmonton	\$305,054 00	9/10ths or \$274,549 00
3	F. J. Barnard,	Edmonton to British Columbia		
4	Oliver, Davidson & Co.,	Fort William to Selkirk		
5	Joseph Whitehead,	Grading and bridging Pembina Branch	208,163 00	3 or 138,775 00
6	Guest & Co.,	Purchase of steel rails		
7	Ebbw Vale Steel, Iron and Coal Co.,	" "		
8	Mersey Steel and Iron Co.,	" "		
9	West Cumberland Iron and Steel Co.,	" "	2,812,494 03	3 or 874,996 00
10	" "	" "		
11	Naylor, Benson & Co.,	" "		
12	Hon. A. B. Foster,	Georgian Bay Branch	41,000 00	Net loss 41,000 00
13	Sifton & Ward,	Grading and bridging, Fort William to Lake Shebandowan	239,220 00	3 159,480 00
14	" "	Grading and bridging from Selkirk to Cross Lake	214,500 00	3 143,000 00
15	Sutton, Thompson & White,	Grading and bridging from Cross Lake to Keewatin	1,594,083 00	3 1,061,696 00
16	Canada Central R. R.,	Subsidy per mile	68,000 00	
17	Anderson & Co.,	Transportation of rails from England to B. Columbia	51,462 00	3 34,308 00

Hon. Mr. Trudel.

TABLE on the price of Contracts executed for the building of the Pacific Railway, &amp;c.—Continued.

18	Red River Transportation Co.....	Transportation of rails from Duluth to Winnipeg		287,929 58	4/5ths	230,343 67
19	Merchants Lake & River Trans. Co....	“ “ “ Montreal to Duluth and Fort William				
20	Patrick Kenney.....	Transportation of rails from Montreal to Lachine				
21	Holcomb & Stuart.....	“ “ “ to Kingston				
22	Chevette	Construction of Engineer's house.....	4,683 70		Useless	4,683 70
23	Oliver, Davidson & Co }					
24	Sifton & Ward.....	Sleepers.....	14,648 14		§	9,765 43
25	Purcell & Ryan.....	Grading and bridging, Sunshine Creek to English River..	129,100 00		§	85,800 00
26	James Isbester .....	Engineers' shops and works.....	30,989 00		§	20,660 00
27	Merchants', Lake & River Steamship Company.....	Transportation of steel rails from Montreal to Kingston, Duluth and Fort William.....	89,060 00		§	71,248 00
28	Red River Transportation Co.....	Not executed.....				
29	Cooper, Fairman & Co.....	Railway spikes.....	8,550 00		§	5,900 00
30	“ “ .....	Bolts and nuts.....	16,160 00		§	10,774 00
31	Patent Bolt and Nut Co .....	Bolts and nuts.....	6,800 00		§	4,534 00
		Inspection of rails, Insurance and Commission, } engineering and supervision, &c. }	435,307 17		§	348,245 72
Adding costs of Survey, up to 1st January, 1877.....			\$6,557,204 58		§	\$4,519,758 52
1st January, 1877.....			3,136,615 75		§	2,091,077 17.
			\$9,693,820 33			\$6,610,835 69

So, out of a total of \$9,693,820, expended on the Pacific, and this not covering the expenditures on the Fort Francis Lock, and the Kaministiquia—not less than \$6,610,835, that is two-thirds of the whole money expended, should have been economized, and would have remained in the public treasury, if the system recognized in the Act of 1872, and partly re-enacted in the Act of 1874, had been followed. More than six millions might have been economized, when the industries of the country are depressed, and when we have to face a deficit. Now, let us suppose that a proportion of two-thirds could not, practically, have been paid in land grants, one third would still have been economized, or more than three millions; and instead of the enterprise involving the expenditure of an unlimited amount of money, we would have a national enterprise, giving an immense impulse to the colonization of our great North-West, by the expenditure only of a limited sum, adequate to the resources of the country. I may add, I consider it was a great mistake to purchase such an enormous quantity of rails abroad, when we possessed the iron and coal to manufacture them at home. I estimate that by the time our great railroads are all completed, we will have expended \$50,000,000 in purchasing rails and other iron material required for their construction. I ask this honorable House would it not be wiser to expend this money at home and develop our iron industries? Would it not be wiser to make a sacrifice of a few hundred thousand, or even millions of dollars, if necessary, to establish iron works at home, and develop the vast resources we possess? In the early days of the settlement of the country, men of science were paid for their services mainly by land grants. If the same course had been pursued in the Pacific Railway surveys, and one-third of the salaries of the engineers and their assistants had been paid in cash and the balance in land grants, two thirds of the \$3,136,615.75 expended up to the 1st January, 1877, on the surveys of the Pacific, might have been saved. I think such a policy would be of advantage to the Dominion. In my opinion this great Pacific Railway question is the one of all absorbing interest before the country now. Upon the wisdom shown in constructing that great work depends the future prosperity of this Do-

*Hon. Mr. Trudel.*

minion. Since 1867 we have been engaged in a series of great undertakings. The first was Confederation; next the Intercolonial Railway; then, the enlargement of the canals; the acquisition of the North-West; the union with British Columbia and the commencement of the Pacific Railway. Of these, certainly the most important is the last. If we cannot construct it as a commercial enterprise, we must build it as a national highway to unite the Provinces. In that way the population of the Dominion will be rapidly increased, the revenue augmented and the prosperity of the Dominion established on a sound and permanent basis.

#### A PERSONAL EXPLANATION.

Hon. Dr. CARRAIL moved the adjournment of the debate. He said: My object in moving the adjournment of the debate is to make a personal explanation to this House. I see the hon. gentleman about whom I have some remarks to make (Mr. Brown) is not in his seat. Whether he has gone to Toronto, Bow Park, or to the whist table, I know not, but he is absent, though his visits to this House are like angel's visits, which, we are told on good authority, are few and far between. It is difficult, at any time, to find him, but I shall, without waiting for his presence, proceed to direct the attention of this House to a subject which has pained me more than anything that has occurred since I became a member of the Senate of Canada. I refer to an attack made in the columns of the *Globe* newspaper on a gentleman whom every honest man must revere, who has been attacked falsely, vilely, and feloniously attacked by a member of this Senate, or with his connivance or cognizance, for, as chief of the paper, he is *particeps criminis*. Speaking through the columns of the *Globe*, a paper which has done infinite injury to this country—a paper which railway ticket agents in San Francisco quote to advise you not to travel by the Grand Trunk Railway in Canada, because it is always from five to ten hours behind time with snow blockades and bad management—a paper that abuses and vilifies everybody who differs in opinion from the hon. gentleman who is the putative father or the godfather of the article which I am about to read—an article

which will disgust every man who reads it, and which ought to call the blush of shame to the cheek of every man who should have the hardihood to defend it. Speaking of the events which took place in the Commons on Friday night, I have no doubt, with a view to cover up the disgraceful character of the proceedings on the Ministerial benches, he makes use of the following words:—

“To say that Sir John A. Macdonald was on Friday night somewhat under the influence of liquor would be a grossly inadequate representation of the fact; he was simply drunk in the plain, ordinary sense of that word. As the night wore on, he became still more so, and from 6 to 8 on Saturday morning, to quote the conventional language usually employed on such occasions, “thoroughly laid out,” and had to be hid away by his friends, if not in shame, at least in pity, and as an absolutely prudential and proceeding.”

The first reply which I, who took part in the ceremonies that night, desire to make to this article, is that it is false, “falsely than all fancy fathoms”; so false as to lower the dignity of that paper to the lowest depths of public opinion in any community. I say for any member of this House to perpetrate such an outrage upon our leading statesman, a gentleman whom the people of Canada must honour for all time to come, to publish such a wilful, malicious, unforgivable, damnable lie is unworthy the pen or tongue of any person who has any claim to the position of a gentleman. I was in company with Sir John on the night in question myself, and I propose to narrate what took place: Sir John went down, like all other gentlemen of even temperment in the Commons, to the saloon below, where he took eight oysters with a glass of sherry and water, in testimony whereof I can bring the best names in the House of Commons. He was perfectly sober—not a sign of intemperance about him. Yet, we find that right hon. gentleman black lettered next day in the columns of the *Globe*; a paper which, I regret to say, has done more to drag this Dominion through the dirt or filth, and discredit us amongst the countries of Europe, than the efforts of all the immigration agents and the speeches of Lord Dufferin can counteract the baneful, pernicious effect of for a century. That lying, rascally, villainous organ has for over thirty years been endeavouring to belittle the leader of the Conserva-

Hon. Mr. Carrall.

tive party; it has pursued him through the country, in Parliament, through the corridor, through the lobby, at pic-nics all through his life, with the object of ruining his reputation, and, I desire to say, that this last attempt is a wilful, wicked, wretched, infernal falsehood. I say it because I was with Sir John until after six o'clock that morning. I can bring other witnesses here who not only saw the right hon. gentleman, but breakfasted with him, who can prove the falsity of the *Globe's* statement. I sat with Sir John and Mr. Hector Cameron of Toronto at one table at the time he is accused of having got drunk.

Hon. Mr. PENNY—How were the oysters served?

Hon. Dr. CARRALL—You can bring on your reporters and take this all down for the *Herald*. I am bound to bring this thing up and expose it. The reason why I do so is that the hon. gentleman who is the managing director of the *Globe* and who is my text on this occasion, is popularly supposed to be the author of the article which I have quoted from his paper. Assuming for a moment that we had the pleasure of looking upon his presence here and hearing him disclaim having written it, and that sometimes articles crept into the columns of his paper without editorial supervision; is it presumable that anybody of common intelligence would suppose for a moment that any of his employes—I am not speaking for my words to fall dead upon this carpet; no, it's a case of “Diamond cut Dymond”—would dare to give form and shape to such expressions in manuscript, to telegraph them over the wires to Toronto; to set them in the type of the *Globe* office; to impress them upon the maiden sheet of paper, and send them broadcast over the country, unless they knew very well that they would not be displeasing to the gentleman who is well known to be the political mischief-maker of Canada since I have been a child. Twice a year he comes down here and flits across our horizon like the *aurora borealis*, because of the difficulties that beset the Ministry in consequence of their shortsightedness. I am not going so far as to say they telegraph to Toronto to bring him here, but he comes periodically,

when the Ministry expect trouble, and he presides over this body with the lofty dignity of Jupiter when Juno is in a rage about her domestic arrangements, to weigh us down with his dictatorial assurance. If he were present, instead of regarding him as a philosopher, I would not be surprised at finding myself styling him a Brahmin, the cow worshipper of Bow Park, who, over the litter of his sacred cow, desires to mould the policy of this great Dominion, not a jot or tittle of which he has ever taken a part in that he has not proved himself to be a most conspicuous failure. There are those who are bold enough to say he writes most of those malicious articles against his old opponent himself, and that he imported his editor from England (Mr. Dymond) and placed him as Crown prosecutor for the Reform party for the last five years, against the greatest statesman this country has ever seen, persecuting him, abusing him, charging him with every crime in the calendar, and then comes down here, and, forsooth, shelters himself behind the impersonality of an editor. Surely he and his master are *Arcades ambo*. The hon. gentleman from Toronto has not disclaimed the paternity of this article, and we cannot say with Longfellow—

Lives of great men all remind us  
We can make our lives sublime,  
And departing leave behind us  
Footprints on the sands of time.

He will never leave a footprint that anyone will desire to follow, when he is guilty of concocting such villainous, malicious slanders and sending them broadcast over the world. I am prepared to hold myself answerable for the remarks I have made, not only on the floor of this House, but outside on the hustings or anywhere else that the hon. gentleman may choose to discuss them; and having said this, with the permission of the House I beg to withdraw my motion for the adjournment of the debate.

## CONSTRUCTION OF THE PACIFIC RAILWAY.

THE DEBATE CONTINUED.

Hon. Mr. McCLELAN resumed the debate on Hon. Mr. Read's motion: He  
*Hon. Mr. Cur all.*

said:—I have not heard the whole of the speech of my hon. friend from Montreal (Mr. Trudel), but I do not think I understood him to coincide in the views of the hon. Senator from Saugueen with reference to the construction of the Georgian Bay section of the Canada Pacific Railway, a portion of the line which that hon. gentleman most emphatically condemns. Those gentlemen who are united in condemning the policy of the Government with respect to the Pacific Railway should be thoroughly agreed on all those points themselves. The resolution itself expresses regret that the mode adopted by the Government in relation to the construction of the Pacific Railway involves the expenditure of enormous sums of public money without any corresponding beneficial results. I do not feel that I can consistently with my own ideas of my public duty support this resolution, if for no other reason than because the gentlemen who have proposed it advocate views with reference to this public work which involve the expenditure of very much more money than the Government seem to be committed to. The hon. gentleman from Manitoba, for instance, (Mr. Girard) advocates a change of the route from its present location to one south of Lake Manitoba. It occurs to me that would be a very strange way of saving money to deflect a through line from a direct route, and make it twenty miles longer through a country much more difficult and expensive for railway purposes. With reference to the location of railway lines, I have here an authority on railway engineering from which I will, with the permission of the House, quote a few remarks bearing on through lines:—

“W. M. Gillespie, A.M., C.E., says:—  
‘Straightness of direction is much more important on railroads than on common roads, for two reasons: the economy of straightness and the resistance and dangers of curves. From the great cost of the superstructure of a railroad, and the continually increasing expense of keeping it in repair, it is highly desirable that it should be as straight, and consequently, as short as possible. Suppose the total cost of a railroad to be \$30,000 per mile, the interest of which is \$1,800; the annual repairs of the superstructure, \$1,000 per mile, and the expenses of engines also \$1,000 per mile, the total annual expense will then be \$3,800, which is the interest of \$63,000, which sum might profitably be expended to shorten the road one mile, or \$12 to shorten one foot of length. If

this single foot gained was the only result of a day's labor of a locating party, it would be a satisfactory equivalent for the expenses of such a day's work. From these considerations it is also seen that a line ought not to diverge from the direct course between its extremities, and thus increase its distance, for the sake of the trade of a small town for whose benefit the time and fare of all the passengers and freight on the whole line would thus be taxed. It would be preferable to make branch track to the town. Curves, too, are necessary evils to be avoided for other reasons, &c., &c."

I see here a reference also to the *American Railway Journal*, which also advocates the construction of railways upon the shortest routes that can possibly be secured. I can understand the propriety of a resolution urging upon the Government the necessity of shortening a railway line in order to save expense; for, even though it cost more for construction, the saving would be in the future, when the public would not be required for all time to come to travel and transport freight by a longer and more expensive route than was necessary. How the hon. gentleman from Manitoba can consistently urge upon the Government the importance of lengthening the line, at an increased expenditure of probably a million of dollars, merely to favor a locality with comparatively few inhabitants, is beyond my comprehension. In connection with this subject, I might say that one of the great difficulties under which Halifax now labors, in trying to create a winter export trade, is the unnecessary length of the Intercolonial Railway, over which the produce of the west was expected to pass. I referred to this matter on a former occasion, and I was met by my hon. friend from Arichat with the argument that the Imperial guarantee could only be secured by the adoption of the Robinson route. I was rather surprised to hear from the hon. gentleman that the location of the route by the Baie de Chaleurs line was a *sine qua non* with the Imperial Government on which they should give the guarantee. I have in my hand the report of Mr. Fleming which gives a pretty accurate history of the location of that road and in replying to my observations on this matter I can scarcely give my hon. friend from Belleville credit for as much candor as I would expect from that hon. gentleman. In reading the despatch he only took a portion of it, and had he read the

Hon. Mr. McClellan.

whole of it through he would have arrived at a very different conclusion. The despatch to which I refer is as follows:—

DOWNING STREET,  
22nd July, 1868.

MY LORD,

"I have received your Lordship's telegraphic message that the route by the Baie de Chaleurs has been selected by the Canadian Government as the one to connect Truro with Riviere du Loup and thus complete the Intercolonial Railway. I understand three routes to have been under the consideration of the Government of Canada, namely, one crossing the River either at Woodstock or Fredericton, the second in a more central direction through New Brunswick, and the third following the line selected by Major Robinson in 1848.

"The route crossing the St. John River, either at Woodstock or Fredericton is one to which the assent of Her Majesty's Government could not have been given. The objection on Military grounds to any line on the South side of the St. John River are insuperable.

One of the main advantages sought in granting an Imperial guarantee for constructing the railway, would have been defeated, if that line had been selected—the remaining lines were the Central line and that following the general course of the route surveyed by Major Robinson—and Her Majesty's Government, has learned with much satisfaction what the latter has been selected, &c.

I have &c.,  
(Signed),

BUCKINGHAM & CHANDOS,

To Governor,

the Rt. Hon. Viscount Monck.

I can find nothing in this whole despatch which expressly states that the Imperial guarantee should not be given if the central route had been adopted, although it intimates pretty strongly that the frontier route would not be favored by the Imperial guarantee; therefore, I think, upon that point I was not satisfactorily answered the other day, and I am inclined to think no despatch can be produced to show that the late Government had been compelled to adopt the very long and circuitous route which has involved so much loss to the country, and especially to Halifax. I contend, moreover, that the guarantee was a mere bagatelle compared with the enormous saving which the country could have calculated on by building the road for strictly commercial purposes on the shortest and most direct line. I have the authority of Hon. William Macdougall, C.B., at one time a member of the late Cabinet, who understood that the

location of the road by such a long and expensive route, was done for the purpose of conciliating a particular locality, and that it was a great injury to the country. I quote from Letter VI., Hon. Mr. Macdougall, C.B., to Hon. Joseph Howe:—

"I am disclosing no secret of the Council-room when I affirm that, in September, 1868, except Mr. Tilley and myself, every member of the Government was either indifferent or hostile to the acquisition of the North-West Territories. When they discovered that a Ministerial crisis respecting the route of the Intercolonial Railway could only be avoided by an immediate agreement (and immediate action) to secure the transfer of these Territories to the Dominion, they were ready to act.

"On the same day that Sir John A. Macdonald and Mr. Campbell surrendered the interests of Ontario to Quebec and Mr. Mitchell, and—threw eight millions of dollars into the sea.—I carried a proposition to send a deputation to England, with full power to close negotiations for the purchase of one-third of the North American continent as an offset."

The day on which this eight millions of dollars, as he termed it, was "thrown into the sea," it was thrown away for the purpose of gratifying the people of a certain portion of the Province of Quebec, and he (Mr. Macdougall) secured for Ontario a share of the spoils, by the acquisition of the North-West Territories. It would be an interesting thing to discover, in connection with this matter, what the sop was that was given to the Maritime Provinces for yielding to this arrangement. But, aside from the general route of this railway, divergences were made, contrary to the strong remonstrances of Mr. Fleming, in order to satisfy personal and local influences, and most injurious to the general interests of the Maritime Provinces, because every mile so added, tends to cripple and obstruct the inter-provincial trade, now so much desired by all, and particularly by Halifax. The present Government are to be highly commended if they have the firmness to avoid such egregious mistakes in locating the Canada Pacific. The hon. Senator from Saugeen, in the course of his observations thought proper to refer, in terms of condemnation, to the action of the present Government in reference to the attempt to build, under the award of Lord Carnarvon, the Esquimalt and Nanaimo Branch. He was pleased to designate that effort as an attempt to

*Hon. Mr. McClellan.*

bribe British Columbia. It will be remembered, however, that the former Administration, by Order-in-Council, which I now hold in my hand, dated 7th of June, 1873, provided for the construction of a road from Esquimalt to Seymour Narrows on the Island of Vancouver. If the building of the forty miles of road involved in the Esquimalt and Nanaimo line can be properly designated as a bribe to catch the vote of the people of that Province, it appears to me that the action of the late Government in providing for the construction of the longer line to Seymour Narrows was a very much more extensive bribe. The inauguration of the Esquimalt and Nanaimo road, as I understand it, was the result of the award of Lord Carnarvon, and the present Government, in consequence of that award, and as a conclusive evidence of their good faith, purchased a certain amount of steel rails for the construction of that particular line. How hon. gentlemen can censure the Government for their action in that matter I am at a loss to conceive; it is a well-known fact that the Senate, controlled by the leader of the Opposition, threw out that Bill, and it has always been a matter of surprise to me that the gentlemen who had under the former Administration provided for the construction of a much more extensive work on that Island should have condemned the present Government for undertaking to construct a section of that line. There is another matter to which the hon. gentleman from Belleville alluded the other day—the steel rails purchase—which has been referred to also by nearly every gentleman on the other side who has taken part in this debate. It seems to be a refrain of the song which is universally sung in connection with the attacks upon the Government, although the fact remains that the present Government bought the rails at \$54 per ton, while the late Government paid as high as \$84. But the hon. gentleman from Belleville, as a sort of variation in this song of the steel rails, took occasion to remark that he had heard it stated in another place, that a member from New Brunswick had approached the Government and had threatened to desert them unless they agreed to loan some old rails. The hon. leader of the Opposition has also referred to this. Either the hon.

gentlemen do not understand the nature of this case, or they scarcely do justice to the hon. gentleman to whom they have alluded. The facts of the matter are these: the Government had arranged to supply several branch lines as feeders to the Intercolonial Railway with old rails, by way of a loan. This arrangement received the approval of the House of Commons. A company chartered to build a railway through King's, Queen's, and Sunbury counties, applied for a portion of these rails, and some of the members from those counties used their influence in aid of this company. The Premier promised to loan the rails under certain conditions, and the remark which the gentleman in the other House had made at the meeting referred to, was unless that promise were carried out, he should feel inclined to oppose the Administration. As a representative always faithful and efficient in the interests of his constituents, the member for Queen's secured the promise of these rails—a promise, which, as an honest man, he claimed should be fulfilled, and which he naturally expects the Minister of Public Works to carry out in its fullest integrity. I think that is very different from the statement charged against that gentleman. I have for a long time had the acquaintance of the hon. gentleman referred to; he is a man who has accumulated considerable wealth, and raised himself to a good position in his native Province, where his word is considered as good as his bond, and I do not think his statement respecting this transaction can be challenged by any hon. gentleman in this House. The hon. gentleman from Belleville referred to the construction of the Pacific Railway as a subject of great importance, and as causing great uneasiness among the people; in that I heartily coincide with him, and I think, if hon. gentlemen opposite had had any idea of the burthen this work was to entail on the people of this country, they would have been more likely to have supported the view that I had with respect to that undertaking. Before such a disastrous scheme was concluded. But nothing seems to satisfy the hon. gentlemen; everything the Government undertake to do is, in their opinion, a blunder; the Kaminstiquia terminus, the Fort Francis Lock and the Georgian Bay

*Hon. Mr. McClelan.*

Branch undertakings, all seem to be a departure from the strict rule which those pseudo economists would force upon the country, and after listening to their denunciatory remarks, I have been forced to the conclusion there is really no governmental action that can be taken that will satisfy their minds, unless they can by some means or other secure the patronage of the Departments themselves.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. McCLELAN—This recalls to my mind a remark that was made in 1873, when the discussion arose in this House with reference to the claims of the Inter-oceanic Company, and that of Sir Hugh Allan, the Canada Pacific Company. While the hon. leader of the Government in the Senate was speaking in support of the arrangement made for construction, the hon. member for Saugeen (Mr. Macpherson) interposed the remark, that the Government scheme "was not elastic enough," to which the hon. Mr. Campbell, replied, intimating that if the member for Saugeen was only associated with Sir Hugh it would be as elastic as possible.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. McCLELAN—I have also come to the conclusion from the very extended remarks of the hon. gentleman on the blunders expressed or implied of the Government, that no system of management in connection with this great undertaking can entirely satisfy him, or come up to his idea of propriety unless he is concerned in the administration of it. I have noticed with surprise, and I must say with very much regret, expressions of opinion on this and kindred questions, in which, although there was no direct charge of wrong doing made against the Administration, yet by a multiplicity of words, and by a peculiar way of manipulating figures, that impression is intended to be conveyed though not expressed. I regret very much that this course should be adopted, because I believe that the Premier of this Dominion has a thoroughly earnest desire to carry out every contract and make every disbursement upon just and equitable principles, and I have yet to learn that there has been a solitary charge of favoritism or corrupt practice proved

against him. I say it is very unfortunate in the interests of the country that such charges should be made upon mere rumors without foundation, and be repeated by insinuation in this Chamber after the Premier has challenged his traducers to bring those charges before a committee of investigation. In referring to those matters, I notice that while hon. gentlemen seem to be kindled with a degree of patriotism, and apparently manifest an anxiety to protect the people and preserve the public money from being unnecessarily wasted in the construction of this road, I sometimes revert to former days, a few years back, and I find that the same zeal did not then inspire my hon. friends. When large expenditures were being inaugurated and carried on on the Intercolonial Railway, I never heard my hon. friend from Belleville open his lips and use his eloquent tongue to denounce a location which involved not only a waste of the public money, but which restricts the trade which naturally ought to spring up between the West and the Maritime Provinces. The hon. gentleman from Belleville, and the hon. gentleman from Saugeen, must have been conversant with all this wasteful and improper expenditure when it was being made, yet we never heard those hon. Senators, who are now so patriotic and so economical, condemn those transactions. Then there was a suspicious expenditure made under the guise of Secret Service money, the amount of which was enormously large, yet those gentlemen who are now fired with so much patriotism, did not then make any enquiry, or sound any alarm to call the attention of the country to it. It is well known, also, there were very many items of wasteful expenditure connected with the change of gauge on the Intercolonial Railway. Before the change was made, the people's representatives pressed upon Parliament the necessity of adopting the narrow gauge, and the Government were only sustained on their own policy by one or two votes. After the track had been laid, however, they found that the narrow gauge was becoming so popular that it would soon be adopted all over the continent, and they had to come down to what everybody must have seen was from the first inevitable, and the change had to be made after the roll-

Hon. Mr. McClellan.

ing stock had been ordered, and a very large and unnecessary expenditure had been made, yet I never heard the hon. gentlemen call the attention of this House to it in any way, or sound any alarm over such a waste of the people's money. So, also, of the large and corrupt expenditures on Section 5 of the Intercolonial, and the misappropriation of the Northern Railway funds, with which my hon. friend from Saugeen, (Mr. Macpherson), is so conversant. These and numberless other mal-appropriations which existed under the rule of the late Government—many of which were subjects of investigation—could be referred to, if necessary. The people condemn such things, but these gentlemen who now manifest such new-born zeal and economy never once referred to these matters. But we find at this late period, after the Government have been committed by their predecessors to an enormous work, a work which has to be proceeded with under great difficulties and disadvantages, hon. gentlemen are continually making complaints and insinuating charges of corruption and favoritism—charges which I am sure have never been proved, and which I am confident cannot be proved against the Ministry—and circulating them broadcast throughout the country in order to create an unfavorable impression on the minds of the people, that is contrary to the best interests of the Dominion, and every true principle of truth and justice.

Hon. Mr. KAULBACH—The hon. gentleman from Hopewell has just now referred to the Pacific Railway as a legacy left to this Government by their predecessors, but I contend that the late Government never left this work or any part of it, as it is now being built, a legacy to their successors. The present Government, when they came into office, repudiated any obligation, and we have the Premier's written words, that they were not bound to carry out the alleged scheme of the late Ministry, to build a railway on Vancouver's Island from Esquimalt to Nanaimo, in proof of which I refer to the Prime Minister's letter of instructions to Mr. Edgar, dated 19th February, 1874, which are plain and emphatic, and with which the Premier sent out his friend and plenipotentiary, with extraordinary powers, leaving Mr.

Edgar, when he despatched that gentleman to British Columbia, to make known to them that they might fully understand the Government were not bound to build a railway on the Island, and further, to seek to obtain by any and all means whatever terms he could with that Province. In that memorable letter the Premier states distinctly, and I want my hon. friend from Hopewell to remember it, that the Government were not bound to build that railway; and when my hon. friend says a portion of the steel rails were sent to the Island in consequence of the Government being bound to construct that work, he is entirely at fault; some other reason must be found; it is in the face of the Premier's own letter to the contrary, and of the fact that the rails were sent long after this Senate (through the aid and assistance of Government supporters that I now see before me) threw out the Bill to construct that railway. And it is also notorious, and a fact, that the very contract for the rails was not signed until after the defeat of that very measure in this House, when the Government well knew that not one rail would be required on the Island. In fact the Government had determined not to build that railway, or else they could have tried the Bill again, as it only required the assistance of the two of their most ardent supporters to carry it—supporters who had so mysteriously voted against the Government Bill. We all know that both political parties were bound to the construction of the Pacific Railway, and yet we know that this Government came into power through not the most honorable means, pledged to defeat the railway policy of their predecessors, and they did crush it and defeat it by scheming and intriguing, although, I firmly believe, if the scheme of the late Government had been carried out, the larger portion of the money expended would have been saved, and instead of only forty miles being finished and ten millions of dollars expended, as we find now is the case, the road would have been pushed on and the larger part constructed before now, at comparatively little cost to the country. In 1871, the hon. gentleman from Amherst, speaking to the motion of the leader of the Government, in this Senate, said it was not intended that we should proceed with this

*Hon. Mr. Kaulbach.*

work and complete it in ten years, in the face of insuperable difficulties; and it was then well known the language of my hon. friend from Kingston was clear, that the road had to be constructed through a *terra incognita*, that there might be many insuperable obstacles to surmount, and the term of ten years was well known to have been merely an earnest of the intention of the Government to proceed with the railway as fast as the resources of the country would permit. This is all plainly declared in the debate on the resolution here in 1871; therefore, the friends of this Government are stopped from saying that all the reckless extravagant expenditure of this Government was forced on them by a ten years' limit, or that the late Government are responsible for the millions of dollars illegally expended and wasted on the rusted steel rails. Yes, the rails themselves are rotting under the corruption that has been referred to and so thoroughly exposed in this debate, and it cannot be said, in any way, that this is due to the policy of the late Administration. It was not the policy of the late Government that induced the present Ministry to bind themselves by Minute of Council, on the 8th December, 1874, to the terms decided upon by the arbitrament of Lord Carnarvon in the month previous; that the railway from Esquimaux to Nanaimo should be commenced as soon as possible, and completed with all practicable dispatch; the construction of a wagon road and telegraph road immediately across the Rocky Mountains; the expenditure of not less than \$2,000,000 a year on the Pacific Railway in British Columbia, and the entire completion of the railway from the Pacific Ocean to Lake Superior in fourteen years. It was to be finished before the end of the year 1890.

Hon. Gentlemen—Hear, hear.

Hon. Mr. KAULBACH—I say no Government should have dared to agree to such monstrous terms without first having obtained the sanction of Parliament; and I think the Senate at the time pursued, as usual, a wise policy when they rejected the Bill for the construction of the Esquimaux and Nanaimo Branch, and thus saved a debt being imposed on the country of millions of dollars. Had the Government then acted wisely, they would have instantly cancelled the nego-

tations for the purchase (there being then no contract) of the steel rails, which could have been easily done by paying the contracting parties a small consideration for their trouble, and, by that means, a sum of nearly three millions of dollars could have been saved to the country. It is evident throughout, from the very first, the Government and their friends have been the enemies of this Pacific Railway, and had no intention of honestly fulfilling the obligation entered into with British Columbia, and connecting that Province with the rest of the Dominion. In 1875, we find them even attempting to entrap and bribe British Columbia with an offer of \$750,000 if they would delay the construction of the Pacific Railway, but British Columbia spurned the offer; it was not money they wanted, they said, but they had been brought into the Confederation on the condition that this railway should be constructed to connect them with the rest of the Dominion as speedily as possible, having a due regard to our resources, and they very properly repudiated any other offer but that. Why, the Secretary of State publicly declared, not long ago, that it would take 40 years to build the railway,—and the Finance Minister said it would cost \$150,000,000—and it does now appear that they are bound to be true prophets. They at first declared the scheme and terms offered to the Company as “those ruinous terms,” and yet the Government through the then Minister of Agriculture here, declared that the scheme did not offer sufficient inducements to a company. The Government not only defeated the scheme, but undertook, in the face of their own policy that it should be built only by a company, to build it themselves, with what ruinous results are now plainly seen and condemned by the people; with the waste of millions of dollars, the railroad scarcely commenced, and the country burthened with debt and increased taxation. This state of things cannot much longer continue. The railway must be built. It is a work of Imperial as well as of national importance, and the experience of the last five years has conclusively shown the insincerity and incapacity of the Government. The people will be no longer deceived with the cry of purity and the practice of corruption, with the elevating of the purity standard and bribing the constituencies—putting down

*Hon. Mr. Kaulbach.*

corruption with “lots of money.” I shall not delay the time of the House by references to the Kaministiquia land purchase, the Neebing Hotel, the Georgian Bay branch, Fort Francis Lock and the Government blunders in connection with the steel rails. On these and every point to which my hon. friends from Saugeen and Belleville have referred they have shown extravagance, culpable neglect, and a want of capacity in the management of this great national work. At this late hour I shall not detain the House any longer, but trusting that the sense of this Senate will be taken on the motion now before us, I shall vote for the motion of my hon. friend from Belleville.

Hon. Mr. HOPE moved the adjournment of the debate.

The motion was agreed to.

## BILLS INTRODUCED.

### FIRST READINGS.

Bill “An Act to provide for the better auditing of the Public Accounts.”

Bill “An Act to repeal section twenty-three of the Merchant Shipping Act of 1876, as to Shipping in Canadian Waters.”

The House adjourned at 11.05 o'clock p.m.

## THE SENATE.

*Thursday, April 18th.*

The SPEAKER took the chair at three o'clock p.m.

After Routine proceedings.

### THIRD READINGS.

The following Bills were read the third time and passed:—

An Act to grant relief to the Canada Agricultural Insurance Company.

An Act to grant certain powers to the Agricultural Mutual Assurance Association of Canada, and to change its name.

## PERSONAL EXPLANATION.

Hon Dr. CARRALL rose to make a personal explanation. He said:—You are all aware of certain events which have transpired recently with regard to the functions of the press and its relations to this and the other branch of the Legislature. It has been a subject of criticism of a character which I shall not advert to to-day. As I have unfortunately been dragged into the press again this morning, and as the statement published is, to say the least, not true, I feel it due to the gentleman whose name has been associated with mine to read the following explanation:—

I desire to make a personal explanation in justice to myself and also other hon. gentlemen, whose names are mentioned in the newspaper to which I would refer. To-day's *Free Press* says in a report of the speech delivered by Dr. Landerkin, in another place, that:—

“A Senator had come to the table, (meaning a table in the restaurant of the House of Commons) and complained that he had been accused by the member from South Ontario for getting the member for Kingston drunk. This, the Senator had denied, and had added that Brother Gibbs had better mind his own business.”

From the fact that I was the only Senator present at the place in question, on that occasion, and other reasons, it is evident that I am the Senator referred to. I, therefore, feel it due to myself to contradict the statement I have read, and to state that I did not make use of the words I have quoted. No such accusation has ever been made against me by the member for South Ontario. A jocular remark made by me has been perverted into a grave made accusation, in order to bolster up the vile falsehoods published in the Government newspapers, to which the attention of the House has already been directed. What I did say on the occasion in question, was in a laughing manner, to remark that I would not invite Sir John to take a drink for fear that brother Gibbs would say that I wished to make him drunk. My only reason for mentioning Mr. Gibbs' name, was that I saw him sitting at some little distance, and that I knew him to be a gentleman entertaining strong temperance opinions. It is right to add that the

*Hon. Dr. Carrall.*

mark was not made in Mr. Gibb's hearing or addressed to him.

## THE DECK-LOADS AMENDMENT BILL.

## THIRD READING.

Hon. Mr. PELLETIER moved the third reading of the Bill intituled “An Act to amend the law respecting Deck-loads.” He said the Bill, though a small one, was certainly of a very important character. It was to amend the Act of 1873 in such a manner as to provide that it should not apply to live stock.

Motion agreed to.

The Bill was read the third time and passed.

## CONSTRUCTION OF THE PACIFIC RAILWAY.

## THE DEBATE CONTINUED.

The order of the day having been read for

“Resuming the adjourned Debate on the Hon. Mr. Read's motion—To Resolve that this House regrets that the mode adopted by the Government, in relation to the construction of the Pacific Railway, involves the expenditure of enormous sums of public money, without any corresponding beneficial results,”

Hon. Mr. HOPE said:—In the course of the debate on the question now before the House the hon. Senator from Saugeen remarked, after alluding to the various subjects connected with this question, that the expenditure in connection with the inland transportation of steel rails in 1875, was one of the most extraordinary acts of any Government he ever knew of—that, in point of fact, most undisguised favoritism had been shown in the matter. As I consider this a very erroneous statement, I propose to show that his allegations are without foundation, and, in doing so, I shall be obliged to refer to the returns which have been laid before Parliament in regard to this matter; and, in the first place, I shall read a letter from the firm of Jacques & Company, dated the 5th November, 1874. It is as follows:—

MONTREAL, 5th December, 1874.

SIR,—We beg leave to enquire whether the Hon. the Minister of Public Works desires tenders for the transport of railway iron (recently closed for delivery at Montreal during next year) hence to ports on Lake Superior and Georgian Bay. Should such transport be required, we have the honor to state that, representing as we do the Merchants' Line of Propellers, with ample capacity to carry twenty thousand tons or more, commencing on the opening of navigation, and extending to the first week in September, as after that date it would be unsafe to send loaded propellers hence to Lake Superior ports, ample and satisfactory security can be given for the faithful performance of any engagements made by us.

We have the honor to be, Sir,  
Your most obedient servants,

(Signed) G. E. JACQUES & CO.

"F. BRAUN, Esq., Secretary,  
"Department of Public Works,  
"Ottawa."

It will be necessary for me to read these letters *seriatim*, in order that the whole correspondence may be before the House:

"MONTREAL, 5th April, 1875.

"SIR—We notice in this morning's Montreal Herald" an advertisement of your Department, dated 1st instant, asking for tenders to transport 5,000 tons steel rails from Montreal to ports named in Lake Superior, for season of 1875, in which you desire the tenders to include all costs of handling, piling, insurances and charges at all points.

"Our object in writing is to be asked to be favored with what is covered by "all costs of handling, piling and charges at all points" and what value for insurance is to be placed on the rails.

"We are fully acquainted with the cost of handling here, but do not know what wharfage accommodation, if any, and to what extent, is provided at the place of destination for the reception of the rails, and if the Board of Works will have any person or persons on hand to take delivery.

"As the correct knowledge of these points is essential to a clear understanding of what the Board of Works require, we trust you will kindly accept it as our apology for troubling you.

"Yours respectfully,  
"(Signed),  
"G. E. JACQUES & Co.

"F. BRAUN, Esq., Secretary,  
"Board of Public Works."

"MONTREAL, 15th April, 1876.

"SIR,—Referring to your advertisement in the newspapers, asking for tenders to convey from Montreal to Duluth or Fort William, Lake Superior, during the season of 1875, five thousand tons steel rails and fastenings.—

Hon. Mr. Hope.

"We beg to tender, on behalf of the Merchants' Lake and River Steamship Line, consisting as understated for the quantity named; or should you desire it, to the extent in all of 12,000 tons at and after the rate of six dollars and thirty cents (\$6.30) per ton of 2,240 lbs.

"The rails to be delivered to us monthly, during the season and not later than the fifteenth day September, at Montreal, free from ocean freight and Montreal Harbor dues, at the ship's side, and carried to the above named ports.

"This rate to cover all costs of handling while receiving and shipping, freight and canal tolls, marine insurance, landing and piling at the port of delivery.

"Good and sufficient wharf accommodation to be provided by the owners of the rails so as to be discharged without delay to the vessel, and not piled at a greater distance than sixty feet or thereabout from the vessel's side, the vessel having sufficient depth of water provided to lay in safety while discharging.

"Some person or persons to be appointed by the Board of Works to take delivery of rails and grant receipts, payment of freight to be made on production of such receipts.

"(Signed)  
"G. E. JACQUES & Co.

"Agents Merchants' Lake and River Line consisting of 13 first-class propellers.

"To the Honorable  
"The Minister of Public Works,  
Ottawa."

"N.B.—If from any unforeseen accident the rails arrive too late for shipment in 1875, the Department, on due notice to the contractors, to have the right to complete the shipment in 1876."

Messrs. Jacques & Company seem to have acted in this matter with business tact and knowledge. They were desirous of knowing the exact nature of the services they were tendering for, and after obtaining such information it will be seen that their tender included all charges—for receiving the rails in Montreal, for handling and putting them on board the propellers, the cost of insuring during transit, and the expenses of taking from the vessels and piling them at Fort William and Duluth.

Hon. Mr. MACPHERSON—In strict conformity with the advertisement calling for the tenders.

Hon. Mr. HOPE—I shall now refer to Cooper, Fairman & Company's Letter of the 2nd March 1875, which was as follows:—

"MONTREAL, 2nd March, 1875.

"DEAR SIR,—In the matter of rails arriving at Montreal during the summer of 1875 it will be necessary for the Government to have some reliable party to receive and check same from vessels; also to make arrangements for freights and insurance to Western ports. There will probably be some handling, and possibly cartage on part, and Customs entries to pass at Montreal. We would propose to attend to all this properly and with best of our ability, for say one per cent on freight West.

"Or we would undertake to deliver, say 10,000 to 15,000 tons at Duluth Thunder Bay, for five dollars and seventy-five cents gross ton, and to Georgian Bay for fifty cents per ton less, which amounts would cover insurance as well as freight, the Government agreeing to pay any and all charges for handling, car-ge, harbor dues, &c., should there be any against said rails. Good substantial wharfs to be provided by the Government at the places of destination, with sufficient men to take delivery, and pile and properly check and give receipt for said rails, &c.

We are, dear sir,  
Yours sincerely,

(Signed),  
COOPER, FAIRMAN Co.,  
Agents.

Department of Public Works,  
Ottawa.

The next personage that comes on the scene is Mr. Samuel; his letter is dated 16th April, 1875.

"MONTREAL, 16th April, 1875.

"SIR,—I beg to tender for the forwarding of the steel rails from Montreal, to Duluth or Fort William, required for the Pacific Railway for the season of 1875, as advertised for by you in the Montreal *Herald*, for the quantity named in the said advertisement, say five thousand (5,000) tons at the rate of six dollars (\$6.00) per ton of 2,240 lbs.

"The rails to be delivered to me not later than 10th September next, at Montreal, free of harbor dues.

"The Department to take delivery of the rails at the port of destination, and grant a receipt for the same, and the freight to be paid on the production of the said receipt.

"I have the honor to be, Sir,

Your obedient servant,

"(Signed), E. SAMUEL."  
P. O. Box, 483½.

To the Honorable,  
The Minister of Public Works,  
Ottawa.

The question comes, what did Mr Samuel propose to do? He proposed to have the rails delivered to him in Montreal. Delivered where?

*Hon. Mr. Macpherson.*

Hon. Mr. MACPHERSON—According to the terms of the advertisement, in Montreal.

Hon. Mr. HOPE—He does not say he makes the offer in strict conformity with the advertisement. He says: "The rails to be delivered to me \* \* \* at Montreal, and the Department to take the delivery of the rails at the port of destination." Were they to be carted from the ocean ship to the canal basin in Montreal, and taken out of the vessel and piled at Fort William and Duluth by the Government? Any gentleman possessed of business experience, reading that tender, would see that it binds him to nothing but to carry the rails from Montreal to Fort William and Duluth. The hon. Senator from Saugeen has had large experience in that business. He is an old forwarder himself, and he understands the necessity of having contracts of this kind explicitly stated. Jacques & Co. went about it in a business-like way, and defined exactly what they would do for the \$6.30. Mr. Samuel's tender was a mere skeleton which the Government could not accept. It did not state whether he was to take the delivery of the rails in the harbor, or at the canal basin. This would have made a difference of 40 cents per ton. Then there is not a word about insurance. The Government did not say what the amount would be for insurance.

Hon. Mr. MACPHERSON—Did not the advertisement specify the insurance?

Hon. Mr. HOPE—The rails were to be insured, but Jacques & Co. asked what amount of insurance would be required, and Mr. Samuel did not. Then, with regard to the delivery of the rails, from this tender of Mr. Samuel's, it is evident he expected the Department to take the delivery of the rails at Duluth or Fort William or as another tender expressed it, that "the consignees are to unload." That would involve an extra cost of at least 25c. a ton. The Government could not be expected to accept a tender of that sort. I estimate the charges which Mr. Samuel did not include in his tender to be as follow:—

Teaming the rails from the harbor up to the canal basin . . . 40cts.

Insurance, say.....	55
Piling at Duluth or Fort William, say.....	22
<hr/>	
Total.....	\$1.17

All these charges were included in the tender of Jacques & Co., and the difference, therefore, in favor of their tender was 87cts. per ton. I shall now read the report of the Privy Council upon these tenders. It is as follows:—

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th April, 1875.

On a report dated 29th April, 1874, from the Honorable the Minister of Public Works, stating that proposals have been invited for the transport of 5,000 tons of steel rails and fastenings from Montreal to Fort William or Duluth, Lake Superior, during the season of 1875, the price to include all cost of handling, piling, insurance and charges at all points, and that the undermentioned tenders have been received, viz:—

1st. E. Samuel, Montreal.....	\$6.00 per ton.
2nd C. Edward, Kingston.....	6.25 "
3rd G. E. Jacques & Co., Montreal	6.30 "
4th Chs. Stephenson, Montreal..	6.50 "
5th. Cox & Green, Montreal.....	6.50 "
6th. Halcomb & Steward, Kingston	6.74 "
7th. J. H. Beatty & Co., Thorold.	7.00 "
8th. W. H. Perry, Buffalo.....	7.00 "

"That in a tender made in November last, for the supply of steel rails, Messrs. Cooper, Fairman & Co., agents, stated the difference in price for delivering those rails in Montreal or Duluth and French River, would be \$5.60 per ton, exclusive of any harbor or wharfage dues at the ports named;

"That those gentlemen now offer on behalf of the Merchant's Lake and Steamship Line (consisting of eighteen first class propellers) for an additional sum of not more than sixty cents per ton to the price of \$5.60 asked in their tender of November last, or say a total sum of \$6.20 per ton, to undertake the transport of 5,000 tons of rails from Montreal to Fort William or Duluth, and to assume all cost of handling, piling, insurance and charges as required by the advertisement.

"That Mr. E. Samuel, who is the lowest bidder on the list given above is not a steamboat owner;

"The Minister therefore recommends that the offer of Messrs. Cooper, Fairman & Co. be accepted.

"The Committee submit the above recommendation. Hon. Mr. Hope.

mendation for Your Excellency's approval.  
 "Certified,  
 "(Signed), W. A. HIMSWORTH,  
 "Clerk Privy Council.  
 "To the Hon.  
 "The Minister of Public Works,  
 "&c., &c., &c."

With regard to Mr. Samuel's not being a steamboat owner, I may say I never heard of him owning steamboats, and I contend if the Government had accepted his tender they would have been chargeable with culpable negligence. Mr. Samuel never gave the Government an opportunity to bind him to this offer of six dollars for all charges, if it really did include everything; because on the 12th May, 1875, he addressed the following telegram to the Public Works Department:—

"OTTAWA, 12th May, 1875.

"By Telegraph from Montreal to F. Braun, Secretary B. of P. W.

"SIR,—For reasons unnecessary to state, I beg to withdraw my tender for transport of railway iron for Lake Superior ports.

"(Signed) E SAMUEL."

That closed him out.

Hon. Mr. MACPHERSON — How long was that before the Order-in-Council was passed?

Hon. Mr. HOPE—It was subsequent to the Order-in-Council. Mr. Samuel had a perfect right to come forward and express his willingness to transact that business. Why did he not come forward and show that he had vessels enough at his command and was prepared to transport the rails to Fort William and Duluth? Had he got the contract I am quite satisfied the cost to the country, based on his offer, would have been as follows:—

12,000 tons of steel rails at \$6. per ton	
Receiving and cartage at	
Montreal.....	40c. "
Insurance.....	55 "
Landing and piling at Duluth	22 "
<hr/>	
Total.....	\$7.17 "

And he could and would have collected that amount on the 12,000 tons.

Hon. Mr. MACPHERSON—The hon. gentleman has omitted to read the letter

of the 5th May. It is dated in the return 5th April. But that is evidently a mistake.

Hon. Mr. HOPE—It is as follows :—

“ OTTAWA, 5th April, 1876. (May, 1875.)

“ SIR — Referring to your telegram of the 29th instant, relative to your tender for the transport of steel rails westward, I am to inform you that the Minister of Public Works has made other arrangements for this service.

“ I have, &c.,  
 (Signed) F. BRAUN,  
 Secretary.”

“ E. SAMUEL, Esq., &c., &c.,  
 Montreal.”

That simply means that Mr. Samuel did not come forward and state the nature of the work he was willing to perform for the six dollars, and hence the Government made other arrangements.

Hon. Mr. VIDAL—The advertisement ought to give an idea of that.

Hon. Mr. HOPE—He did not cover the whole ground in his tender.

Hon. Mr. MACPHERSON—The advertisement did.

Hon. Mr. HOPE—I shall now read the offer of Messrs. Cooper, Fairman & Co., and the reply of the Department, which are as follow :—

“ MONTREAL, 10th June, 1875.

“ DEAR SIR,—We hereby agree, as agents of the Merchants' Lake and River Line of steamers, to carry from ten to twenty thousand tons of steel rails, on the same terms and conditions as former contract—namely, at six dollars and twenty cents currency per gross ton, for Duluth and Fort William, on Lake Superior, which rate includes piling at the port of delivery and insurance; said insurance we bind ourselves to effect to the entire satisfaction of the Department.

Yours most respectfully,

(Signed) COOPER, FAIRMAN & Co.”

“ T. TRUDEAU, Esq.,  
 Public Works Department,  
 Ottawa.”

“ OTTAWA, 10th June, 1876.

GENTLEMEN,—I beg to acknowledge the receipt of your letter of this day's date, offering, on behalf of the Merchants' Lake and River Line of Steamers, to carry from ten to twenty thousand tons of steel rails, on the same terms and conditions as former contract—namely, at six dollars and twenty cents currency per gross ton, for Duluth and Fort William, on Lake Superior, which rate includes piling at port of delivery and insurance, and to inform

Hon. Mr. Macpherson,

you that the Department accepts your offer for five thousand tons (5,000.)”

“ I have, &c.,  
 (Signed) F. BRAUN,  
 Secretary.

“ Messrs. COOPER, & FAIRMAN Co.,  
 Montreal.”

Mr. Jacques, as agent for the Merchants' Lake and River Line of steamers, was authorized to contract at such a price as would net the owners of the propellers five dollars per ton. All charges of insurance, &c., were to be over and above the five dollars per ton. Jacques & Co. were not bound down as to how the contract was to be made, whether with the Government direct or with any other party tendering at the time. I dare say if Mr. Samuel had been prepared to arrange satisfactorily with Jacques & Co. as agents for the propellers, they might have been perfectly willing and agreeable to have entered into a contract with him. Jacques & Co. appear to have agreed with Cooper, Fairman & Co., to place the eighteen propellers at their service for the purpose of carrying the freight, not at \$6.30, as originally tendered, but at \$6.20; and the rails were carried at that price. The cost of carrying the 12,000 tons at that rate was \$74,400. While Mr. Samuel's tender would have amounted to the sum of \$86,040.

Hon. Mr. VIDAL—You are making imaginary charges.

Hon. Mr. McLELAN—In the minute of Council, the tenders are all represented to be in the same position, and the reason assigned for not taking Mr. Samuel's offer was simply, that he was not a steamboat owner.

Hon. Mr. HOPE—It was not merely that Mr. Samuel had no facilities to do the work, but that his tender did not cover the whole of the work contained in the advertisement for tenders.

Hon. Mr. MACPHERSON—Had Cooper, Fairman & Co. propellers?

Hon. Mr. HOPE—They had. They were authorized by the owners of eighteen propellers to use them in the service. It is well known that people sometimes run the chance of offering to do a portion of the work advertised for. For instance in the transportation of steel rails from Kingstons to Duluth and Red River, I am told

some tendered only for the transport to Duluth, and others for the transport to Red River. If the Government see that they can make a better arrangement with two parties than with one they will act as may appear best in the interests of the public. I contend that the Government saved, in 1875, by giving the contract to Cooper, Fairman, & Co., in preference to taking Mr. Samuel's offer, no less than \$11,360. I now come to the contract of 1876. The Government again advertised for tenders for carrying 18,000 tons in that year. I shall read a copy of their contract.

Hon. Mr. MACPHERSON—Is it in the return?

Hon. Mr. HOPE—No.

Hon. Mr. MACPHERSON—The hon. gentleman must have got it from the Department of Public Works.

Hon. Mr. HOPE—No. I got it from another party altogether.

Hon. Mr. MACPHERSON—There is nothing before the House on that subject.

Hon. Mr. HOPE—In 1876, 18,000 tons of steel rails were carried from Montreal to Fort William and Duluth.

Jacques & Co. were authorized by the Merchants' Lake and River line of Steamers to tender for the carrying of those rails, and they put in a tender along with a number of others. It was thought there would be a great many tenders for the carrying of those rails, and also that there would be large return wheat freights, and consequently the boats would be able to carry at a lower rate than in the previous year. The consequence was, Jacques & Co. tendered for \$4.50 per ton. The next lowest offer was by a man named Kimlin. He offered to carry them for \$5, but I have been unable to ascertain whether such a man really existed or not. The next lowest offer was that of Mr. McFee, of Montreal, a man of excellent standing and respectability, whose tender was \$5.15. Jacques & Co. got the contract; and the Government paid for this service, say for 18,000 tons at \$4.50 per ton, equal to \$81,000, thus saving \$9,000, as compared with the next tender, and taking it to be *bona fide*. The hon. Senator from Saugeen, who thinks Cooper, Fairman & Co. such a highly favored firm, may not be aware  
Hon. Mr. Hope.

that they tendered at the same time for \$5.40 per ton. But, as a matter of course, the Government did not accept their offer, and saved the country \$16,200. I think I must have clearly and conclusively shown that the statements and allegations made by the hon. Senators from Saugeen and Belleville, had no foundation in fact, with regard to favoritism shown to Cooper, Fairman & Co., or the Merchants' Lake and River Steamship Line, either in 1875 or 1876. With regard to the New York firm, they made a tender of \$4 and \$4.75 from New York to Duluth and Fort William respectively, in the year 1875. I may say they are a highly respectable firm. They represent Guest & Co., of the Dowlais Iron and Steel Works. They wrote the following communication on the 14th Nov., 1874:--

"OTTAWA, ONT., November 14th, 1874.

"DEAR SIR,—Should the Government prefer to have these rails delivered at the following points: Duluth, Fort William and Georgian Bay, instead of Montreal, we can deliver them at Duluth or Georgian Bay at \$4 per ton additional, and at Fort William at \$4.75 additional, conditional as to the delivery at points named, that there be a sufficient depth of water for vessels to go thereto, and that the consignees are to unload. Not knowing if it is the intention of the Government to insure the various cargoes on the Lakes, we have not included the Lake insurances on the inland freights, \$4 and \$4.75, which would be about 16 cents per ton.

Your obedient servants,

"(signed),

"PERKINS, LIVINGSTON, POST & CO.

Agents of GUEST & Co."

"The Minister of  
Public Works,"

I may be wrong; but, so far as my recollection goes, I do not think I heard the hon. gentleman from Belleville, or the hon. Senator from Saugeen, allude to any of the conditions of this offer. To me it seems there was a great want of candour in their mode of stating the matter to the House. The consignees were to unload, and the New York firm did not seem to know what the cost of unloading might be. On the 20th November, 1874, they again wrote to the Public Works Department, as follows:—

"Montreal Telegraph Company.

OTTAWA, Nov. 20th, 1874.

"By Telegraph from New York, to H. A. V. Post, Russell House, Ottawa.

"From Buffalo to three points named, 25 cents per hundred dollars, until September 1st; during September, Georgian Bay, 35 cents; Lake Superior, 40 cents; October, Georgian Bay, 50 cents; Lake Superior, 60 cents; from Montreal to same point *double*; these rates, all rates are not.

" (Signed),

" PERKINS, LIVINGSTON, POST & Co.,"

These were the rates quoted for insurance for rails shipped from Buffalo. They did not propose, on behalf of Guest & Co., to turn forwarders, and deliver the whole 30,000 tons of rails which the Government sent to the head of Lake Superior. As I understand it, the offer related entirely to the 10,000 tons they had contracted to make and deliver in Montreal. I am willing, however, to take it for granted that the firm of Guest & Co. were prepared to enter the lists as forwarders, and agree to deliver the whole of the rails by way of the New York canals, at the said \$4 and \$4.75 per ton. I do not think that the people of this country would have been particularly well pleased if the Government had allowed a firm in New York to transport the rails for our Canada Pacific Railway through the New York canals, in preference to our own St. Lawrence and Welland Canals, and especially when there was nothing before us to show that any saving would have been made by doing so. As near as I can make out, 18,000 tons went to Duluth, and 12,000 tons to Fort William. The offer of the New York firm was to convey them to Duluth at \$4.00. But there are extra charges which are not specified. There is labor at New York, 25 cents; at Buffalo, transshipment, 25 cents; at Duluth, unloading and piling, 25 cents. insurance, 25 cents. These charges, taken together, make one dollar to be added to the four dollars for freight, which is five dollars per ton on the 18,000 tons, making in all, \$90,000. Then, for the 12,000 tons the offer was \$4.75, to which we must add the charges that I have specified, making in all, for the 30,000 tons, \$159,000. Now, let us see what the actual cost to the country has been. Twelve thousand tons were shipped at \$6.20 per ton in 1875, making \$74,400. Then, in 1876, 18,000 tons were carried at \$4.50 per ton, or \$81,000, making in all, \$155,400, showing a saving of \$3,600.00 in the transportation of the 30,000 tons. But to this must be

Hon. Mr. Hope.

added the tolls collected on our canals which would be \$4,500. So that the country has really saved \$8,100, by the course pursued by the Government besides employing our own shipping and our own canals.

Hon. Mr. MACPHERSON—The hon. gentleman has added in a number of amounts that he chooses to suppose would be charged. It is perfectly preposterous, and an insult to the intelligence of the House.

Hon. Mr. HOPE—The hon. Senator stated that the firm in New York, offered to carry rails for four dollars per ton. But he said nothing about insurance, and the other charges to which I have referred. The hon. Senator has displayed a great want of candour, in my opinion, throughout the whole steel rails discussion.

Hon. Mr. MACPHERSON—I showed that the firm in New York offered to carry the rails at four dollars per ton, and including insurance at \$4.16. The difference between the amounts at which these gentlemen offered to carry the rails, and the price paid by the Government, is \$2.04 per ton.

Hon. Mr. HOPE—They did not know what they were talking about, when they stated insurance would be sixteen cents.

Hon. Mr. MACPHERSON—Guest & Co. gave the rate.

Hon. Mr. HOPE—But Guest & Co., subsequent to that, gave other rates. I complain that the hon. Senators from Belleville and Saugeen have not taken cognizance of what Guest & Co. stated at a later period about insurance, and have ignored the fact that they expressly stipulated that "Consignees are to unload" and entirely overlooked the return to the Government of 15 cents per ton, canal tolls on all the rails carried through Canada to Lake Superior, and the expense of handling between the ocean ships and canals boat in New York, and between the canal boat and lake craft at Buffalo—making at least, as I contend, one dollar extra to the \$4 and \$4.75 as proposed by Guest & Co. Looking at the contracts which the Government made in 1875 and 1876, I think they acted in the interest of the country in what they did, and they

should not be subjected to the insinuations that we have heard from the other side of the House. With regard to the purchase of the steel rails, we have had no evidence to show that the Government have been guilty of anything wrong or improper. I was in England in 1874, and when in Birmingham, I got a cablegram from this side, stating that the Government wanted a large quantity of steel rails, and, asking me to endeavor to make an offer for supplying some. I saw a large number of iron firms—I do not say manufacturers—and they all said there was nothing to be made at the ruling prices, and that the Government of Canada had an excellent opportunity to obtain steel rails at a price they would never see so low again. That was the opinion of men who had great experience in the trade. It was, at the same time, just a question with makers whether they would tender, or close down their works. They tendered, not direct, but through their brokers. There has been a great deal of misconception on this point, and names have been mentioned of firms in Canada as if they were the owners of iron and steel works, but who did not own a single rail, and who were merely instructed as brokers, by the makers in England to tender on their behalf at certain rates. These brokers ran no risk and, incurred no responsibility, and their brokerage was probably  $\frac{1}{2}$  per cent. Among others, was the firm of Cooper, Fairman & Co. The Government never bought from them, but from the Mersey Co., of whom they were merely the representatives. At the time it was thought rails had reached as low a price as they could ever be obtained for. No one saw anything objectionable in the purchase at the time, but, on the contrary, the most experienced iron merchants in England, of my own knowledge, extolled the action of the Government in making the purchase they did. Some of the rails were destined for British Columbia, some for Red River, some for the Intercolonial Railway, and some are still at Kingston, where they have been delivered lately. We had a childish exhibition here the other day when an hon. Senator from British Columbia produced a lot of rust, done up in an old newspaper, which, as I understood him to say, he had scraped off the rails lying unused in British Columbia. He did not appear to be aware that he

*Hon. Mr. Hope.*

was reflecting on the leader of his side of the House, who threw out the Bill for the building of the Esquimalt and Nanaimo Railway.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HOPE—For the 228 miles of road between Fort William and Selkirk, now under contract, 21,000 tons will be required; for the Pembina Branch, 9,000 tons; for the Intercolonial Railway, 10,000 tons; there are 5,000 tons in British Columbia, and 5,000 at Kingston. The latter are to be transported this summer to the Red River, where they will be required. Thus, the whole of the 50,000 tons will be absorbed this summer, and I should be very glad if the Minister of Public Works should find it necessary, (which I believe he will do) to go into the market at once for additional rails, to complete the link between Rat Portage and Port Savanne. The sooner an all-rail route is completed, the better will it be for Canada and her North-West Territories.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HOPE—It is true, it was thought at one time the water stretches between those two points could be used to advantage, and they are better than no communication at all through our own territory with Manitoba. I hold no government would be justified in attempting to open up the North-West without providing means of access to it, through Canadian territory. I heard hon. gentlemen sneering the other day, when the hon. Secretary of State said the Fort Francis Lock might be useful in case of necessity, for the transporting of troops and munitions of war to Manitoba. They asked, "Do you expect war with the United States?" Certainly not, but we have had trouble in the North-West in the past, and difficulties may arise there in the future, and it is under any circumstances, an exceedingly delicate matter for one country to ask and for another to grant permission to send munitions of war through a neighbouring country, though, when asked, it has been granted in the most courteous manner.

Hon. Mr. MACPHERSON—It was refused at Sault Ste. Marie.

Hon. Mr. HOPE—In that case the State of Michigan claimed the right of stopping the passage of troops and war

materials. That was rather a humiliating position at the time for our country to occupy, and it is the duty of the Government to provide a summer route, at all events, as we had between the Maritime Provinces and Ontario and Quebec before the opening of the Intercolonial Railway. I hope to see work prosecuted on the "missing link" without delay.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HOPE—A good deal has been said about the slow progress made with the Pacific Railway, but I think the progress has been wonderfully good considering the difficulties under which the Government have been labouring and the obstacles which they have had to surmount.

Hon. Mr. CORNWALL—I should not have spoken on this subject at all, important though it is, had it not been for the reply of the hon. Secretary of State the other day to a question I addressed to him, with reference to the policy of the Government as to the commencement of construction of the Canadian Pacific Railway this summer in British Columbia. The hon. Senator answered in his usual cool and careless way, as though the matter was of no importance at all, that the Government had no intention of commencing the construction there, but were going to survey a new line to which their attention had been called.

Hon. Mr. SCOTT—The hon. gentleman misunderstood me. I said the attention of the Government had been called to a new line, and no doubt there were gentlemen in this Chamber who thought it ought to be explored.

Hon. Mr. CORNWALL—I understood the hon. gentleman to say the Government did not intend to commence work.

Hon. Mr. SCOTT—I said they had a report from Marcus Smith, of the Peace River route, and it had not yet been under their consideration.

Hon. Mr. CORNWALL—I understood from the hon. gentleman that it was considered necessary to survey another line, and I think I was right in coming to that conclusion, more especially as I remembered that some such probability was foreshadowed in Mr. Fleming's last report. Such being the case, I consider it my duty as a representative of

*Hon. Mr. Hope.*

British Columbia to speak in a brief way on this important subject; and more especially to answer the speech that the hon. Secretary of State made some days ago on the motion we are now discussing. I must say that speech of the hon. gentleman was a thoroughly characteristic speech, and one quite in accord with the opinions, and the arguments founded on such opinions, used by him on this subject on other occasions. He commenced in his usual complaining way, with the plaintive wail, that the bargain as to railway terms of union with British Columbia was an impossible bargain, and one which could not be carried out. He went on virtually to say that Canada was a poor, small and miserable country, and could not now, or at any future time, be expected to carry out such an agreement; and further, that the disadvantages under which Canada labored, in comparison with the United States in the construction of their Pacific Railway, were very great in three very important particulars, viz., the character of the country through which the line would run, the knowledge of the route that line should take, and as to the possibilities of the present or future traffic to be carried on over that line. Now, I maintain that even if Canada did labor under such disadvantages, the hon. gentleman himself, a member of the Government of Canada, should have been the last person who should have stood up in this House and given utterance to such ideas. We all know the wise proverb that it is indiscreet for a fishmonger to cry "stinking fish" to his intending customers. That is the policy the hon. gentleman has pursued; and if in addition, I can show that he was incorrect on all three points to which he has referred; why then I think that even his own supporters in this House will see that he has not approached this subject with his usual forethought and wisdom. Now, as to the first point, the character of the country through which the two lines run; if the hon. gentleman had travelled over the Union Pacific Railway as often as I have, he would have known that with the exception of some three or four hundred miles west of Omaha, that line runs through a country unfit for agricultural—though not for pastoral—purposes, except in very limited localities. I am credibly

informed, and I believe it to be the case, that the Canada Pacific Railway, on the other hand will run, for the 1500 miles west of Lake Superior to the Rocky Mountains, through a country that is not only capable of, but that offers great inducements to agricultural settlement; and in British Columbia, for the remaining 500 miles of its length, it will run, if the proper route is followed, through the best part of that Province. The advantage, consequently, is altogether in favor of Canada, so far as the character and quality of the land on the rival railway routes is concerned. The second point on which the hon. gentleman founded his arguments, related to the knowledge we have of the route to be followed. He absolutely said that, "within a year after the terms of union were agreed to, it was shown that such parts as related to the railway could not be carried out. No line had been found!" To refute that assertion, I have only to refer to Mr. Fleming's report, 1877, the latest published, and one which coming from the principal authority on the subject—from the Chief Engineer employed by the Government themselves—must be received with respect. With the permission of the House I will read from page 13 the following paragraphs:—

"The survey did not begin in British Columbia until the 20th July, 1871, the day upon which that Province became incorporated into the Dominion. Information of great value was obtained. It was found that there would be no difficulty in carrying a line from the valley of the River North Frazer, in the neighbourhood of Tête Jaune Cache, to the valley of the North Thompson, by a low and wide depression in the mountains in that quarter. It was found that the valley of the North Thompson would, in all probability, admit of a line being constructed from Yellow Head Pass to Kamloops, a distance of 255 miles, with grades not exceeding 50 feet per mile.

"It was further found that it was possible to reach the coast from Kamloops by the course and outlet of the Rivers Thompson and Frazer, the line terminating at an excellent harbour on Burrard Inlet.

"Thus it was ascertained that a line was available for the railway through the entire Rocky Mountain region, although portions of it would be enormously expensive."

That is the report of Mr. Fleming on the explorations made in 1871. He says "a practicable route was found through

Hon. Mr. Cornwall.

"the entire Rocky Mountain region," and, therefore, the assertion of the hon. Secretary of State "that a year after the completion of the terms of Union no line had been found," falls to the ground. As this is a matter of importance, I shall refer to it at greater length. When the engineers first went to British Columbia to commence explorations in 1871, they were told by all practical residents of that Province who thoroughly knew the country, that the natural outlet for a railway was by the valleys of the Rivers Thompson and Frazer, from the Yellow Head Pass. For the first year, accordingly, their explorations were more or less confined to that route, with the success to which I have called the attention of the House, as shown in Mr. Fleming's report. However, the engineers, after the manner of such professional gentlemen, I suppose, not satisfied to establish the correctness of unprofessional advice, and not satisfied with what they had seen, considered it was necessary to make further explorations in British Columbia, and find a line for themselves, and they have, consequently, ever since 1871, been engaged in trying to find some route to the coast through the mainland of British Columbia which would take them further north by a longer route, comparatively through Arctic regions of snow and ice, and directly over the summits of enormous ranges of mountains to incommodious and unapproachable harbours. That their efforts have been barren of results and utterly futile, it is quite unnecessary to say; that is shown by the fact that in 1877 they were obliged to return to the route by the valleys of the Rivers Thompson and Frazer, with the result, I am glad to say, that the explorations last year have proved that this line is not only more feasible even than was at first supposed, but that the cost of construction would be much less than was at first feared. Those intermediate years between 1871 and 1877 have been more or less thrown away, and not only has there been that lamentable loss of time, but it has been accompanied with an expenditure of hundreds of thousands, nay, millions of dollars, which are almost altogether lost or thrown away. Notwithstanding this, we have been given to understand that the Government intend examining a still more northerly route than any on which they have hith-

erto expended their energies and wasted the means of the country. Now, I think I have shown from Mr. Fleming's report, and from what I have thought fit to say on the subject, that the second argument of the hon. Secretary of State, in support of his assertion that within one year after the arrangement of the terms of Union it became apparent that they could not be carried out, because no line had been found, is entirely without foundation. On his third ground of complaint, that the Canada Pacific Railway would compare very disadvantageously with the present trans-continental American line in competition for present and future traffic, I shall also refer to Mr. Fleming's report, where, on page 14, the succeeding one to that which I have already quoted, I find the following observations which have intimate connection with this point:—

“The report which I had the honor to submit, dated 10th April, 1872, pointed out generally the advantages of this line, as compared with the railway extending eastward from San Francisco to New York. Those engineering features, which govern the cost of operating a railway and transporting goods, gave promise of being much more favorable on the Canadian route. The United States Pacific Railway attains an altitude above the sea at four different points, fully double the height of the great continental summit on the Canadian line, and for 1,300 consecutive miles there is no altitude so low on the railway between San Francisco and New York, as the highest summit of the line through the Yellow Head Pass. With respect to distance, it was estimated that from Burrard Inlet to Montreal would be 633 miles less than from San Francisco to New York. It was, at the same time, estimated that the Canadian route would bring New York, Boston and Portland, from 300 to 500 miles nearer to the Pacific Coast at Burrard Inlet, than the cities now are, with San Francisco as the terminal point of their line through the United States.

The distance from England to China would be more than 1,000 miles less by the Canadian line, than by the line passing through New York and San Francisco.”

Now, this is what Mr. Fleming has said on these important points which intimately concern the question of traffic over the line, and in all those particulars Canada has an immense advantage, not only in the character of the country through which the railway line will run, but in the difference in the length of route and the grades on that line. He shows also, that in another most important point, that of altitude, the high levels over which the Pacific Railway

*Hon. Mr. Cornwall.*

will have to run do not at all approach those which had to be surmounted by the American Pacific Railway. If all this is correct, and I do not think any hon. gentleman can refute what I have said, because it is established by the report that has been made, and by the experience that many years of exploration has given us, what becomes of the assertions of the hon. Secretary of State, that the bargain with British Columbia is “an impossible bargain”? I confess when I have listened to that argument, and it has been repeated again and again in this House, I have been astounded at the want of knowledge and of energy, the want of proper appreciation of the position, and the want of patriotism which allowed the hon. gentleman to stand up in his place and make such an assertion on this most important matter! In the latter part of the speech of the hon. gentleman, he alluded to the fact that some evidence of sincerity on the part of the Government of the Dominion of Canada had been required at their hands, both by the Home Government, and by the Province of British Columbia. This is what has been needed in the past, and is what we want at the present moment. What we do not want are such speeches as that delivered the other day by the hon. Secretary of State himself. Unfortunately, to that sort of speeches we have become only too well accustomed. Ever since the present Government assumed the reins of power every individual member of the Cabinet and the Government as a whole, and the press of the country supporting the Government, have spent all their time and all their energies, in trying to find reasons, or to forge reasons why the agreement with British Columbia should not be carried out.

Hon. Dr. CARRALL—Hear, hear.

Hon. Mr. CORNWALL—Is it any wonder that under these circumstances, British Columbia has no longer any faith in the integrity of the present Government? Is it any wonder that no one there who has a head upon his shoulders, and who is capable of forming an opinion on this subject, supposes for a moment that the present Government of the Dominion of Canada have the slightest intention of carrying out the arrangement to which they are bound, by every tie and by every consideration of national honour? There is only

one opinion on that point in British Columbia, and as it happens, within two or three days, I received letters from some friends in British Columbia that bear on this point, and I shall read a few words from them in order to show what is the feeling in that Province. The first is from the manager of a Bank in Victoria, an intelligent man, and one prominent in society, who,—referring to the fact that certain news had gone out to British Columbia regarding the commencement of construction of the Pacific railway this summer—said:

“I am precious glad to hear that the Government even take power to commence railway work in British Columbia. I sincerely hope they will energetically make use of the power when obtained, and go ahead whether it be from Yale or elsewhere. There have been so many shams that I am still very sceptical.”

Another letter I have is from a gentleman equally influential in British Columbia—a gentleman holding a judicial position. He says: “The railway news is very encouraging, but I can hardly believe in construction before they actually commence.” This is the feeling in British Columbia. They have there not the slightest hope or belief that the present Government have any intention of doing what they are continually promising to do; and that which they are bound in honor to do. I hardly know that I need say anything further on the subject. I dare not say what I think of the conduct of the Government in plain, honest Saxon English. If I did, I should in a very short time exceed the bounds of Parliamentary usage, and disregard the dignity and decorum which so well characterise the debates in this House. I do not intend to do so; and as I am not gifted with that power of expressing my meaning, while at the same time I veil it in clever inuendo, and indeed not deigning to do so in this instance, I shall not say anything further, except to express the belief and hope I entertain, that ere long there will be such a change in the “personnel” of the advisers of His Excellency the Governor-General, that there will be a thorough change in the policy on which I have commented, and that there will be no further necessity for a member of this House to get up in his place and denounce the action of the Government of the Dominion of Canada in

*Hon. Mr. Cornwall.*

the manner to which I have been constrained.

Hon. Mr. MACDONALD—With regard to the remarks of the hon. gentleman who has just sat down, I do not propose to contradict them, or to press upon any gentleman the merits of any particular route until the report for which I moved a few days ago is laid before the House.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACDONALD—The motion made by the hon. gentleman from Belleville does not quite meet my own view for this reason: When he speaks of there being no corresponding beneficial results for the enormous amount of money which has been expended, it is quite evident to any hon. gentleman, that nothing of that kind can be expected for a number of years. But, if he means the policy pursued by the Government in carrying out the works, it is a different thing, and that part of the motion might be modified, but whether that is done or not, of course the result will be the same. The hon. gentleman in moving his resolution said that, in his opinion, the western terminus should have been first selected, before the location of the line commenced.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACDONALD—The hon. gentleman will be pleased to know that that was done by the former Government. In 1873, they selected Esquimalt as the western terminus of the Pacific Railway. It was done even under the personal investigation of the Minister of Public Works, who, at that time visited the Pacific Province.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACDONALD—It was upon the recommendation of Mr. Langevin, as well as the Engineer-in-Chief, that selection was made. And the wisdom of that choice is borne out recently by the report of Admiral De Horsey, who strongly recommends Esquimalt as the best harbor on the Coast. Not only was that harbor selected by the previous Government, but they went so far as to actually stake out part of the route, and to turn the first sod on the branch from Esquimalt to Naniamo.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACDONALD—Hear

comes in my surprise, that after that was done, this side of the House should be so strongly opposed to the Bill which was brought in here, for the construction of the Esquimalt and Naniamo Railway, as to throw it out.

Hon. Mr. SCOTT—After their own friends had turned the first sod.

Hon. Mr. MACDONALD—Yes. Considering the first location was by their own party, I do hope that we have heard the last of this Naniamo and Esquimalt Bill, and that hon. gentlemen will take no further credit for having defeated that measure. Another good reason is, that some of those days they may have to retract their opinions, as there is not the slightest doubt that road will have to be built, either by this Government or some other Government. The hon. Secretary of State spoke about the ruinous bargain that had been made with British Columbia. Whether that bargain was ruinous, or will be ruinous or not, I think the Government have taken very little trouble in the matter, and my own opinion has been confirmed, that this Government would never have put a pick in the ground towards the construction of the Pacific Railway, and, in fact, never have during the five years they have been in office. Can the hon. gentleman mention the difficulty of finding a route through British Columbia? No doubt the difficulty of the route is great. But, as early as 1872-3, it is well known there were two routes, one of which might have been adopted. The hon. gentleman mentioned the Fraser River route, that it was known then that a line could be found by going down that valley.

Hon. Mr. SCOTT—At that time it was considered that the route by the Fraser River would be so enormously expensive that it could not be constructed without an immense amount of tunneling, and the present Government directed a further survey to be made of it.

Hon. Mr. MACDONALD—It was reported at that time that that route would cost six millions of dollars more than the route by Bute Inlet.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACDONALD—The Fraser River route was abandoned for a time, until it was taken up again on the motion

*Hon. Mr. Macdonald.*

of the hon. member for Yale, and when the report comes down we will have the latest information before us. The hon. Secretary of State mentioned that, even after seven years survey, they had scarcely found a practicable route. This is not quite in accordance with the facts of the case. In 1873-4, Mr. Fleming, in his report, said :—

“ It may be now accepted as a certainty that a route has been found generally possessing favorable engineering features, with the exception of a short section approaching the Pacific coast; which route, taking its entire length, including the exceptional section alluded to will, on the average, show lighter work, and will require less costly structures than have been necessary in many of the railways now in operation in the Dominion.”

Hon. Mr. SCOTT.—That is the Bute Inlet route, and it is different from his report of it in 1872.

Hon. Mr. MACDONALD—There is a small section there rather difficult, and the Minister of Public Works in his speech of 1876, referring to the Bute Inlet said:—

“ The Bute Inlet route was surveyed almost completely last year, excepting a distance of sixty or seventy miles, regarding which we obtained some information after Parliament rose last Session. This route is one that we knew tolerably well last year. It has been somewhat carefully surveyed from the head of the Inlet by the valley of the Homathco River. It was thought advisable to examine the east branch of the river last year, and make an instrumental survey of it. This has been completed, and we know now that we can get a more favorable route by the east branch, the highest grade being about 107 feet to the mile, and that for a distance of two or three miles less than the high grade by the west branch, with the additional advantage, that there is a level rest about three-quarters of a mile in the long steep grade which makes it very favorable.”

I will now quote from a speech made by Lord Dufferin in 1876, in which he takes the *Toronto Globe* for his authority, as he supposed it indicated the views of the Government on that occasion. Perhaps his opinion was almost a correct one.

“ From a recent article in the *Globe*, it would seem as though the Bute Inlet route had finally found favour with the Government, though I myself have no information on the point, and I am happy to see, from statistics furnished by that journal, that not only has the entire line of the Pacific been surveyed, but that the calculated expenses of construction, though very great, and to be incurred only after careful considera-

tion, are far less than were anticipated. Well, gentlemen, should the indications we have received of the intention of the Government prove correct, you are very much to be congratulated, for I am well aware the line to Bute Inlet is the one which you have always favoured, and I should hope that now, at last, you will be satisfied that the Canadian Government has used, as it undertook to do, all possible expedition in prosecuting the surveys of the line to the Pacific Coast. I only wish that Waddington Harbour, at the head of the Inlet, was a better port; I confess to having but a poor opinion of it."

Hon. Mr. CORNWALL—Does the hon. gentleman know that the *Globe* has changed its principles since then, and has advocated another route?

Hon. Mr. MACDONALD—No.

Hon. Mr. CORNWALL—Have you seen the article published in the *Globe* last January?

Hon. Mr. MACDONALD—I have not. But it would appear from these remarks that the Government had sufficient information in 1874 to have adopted either of the lines—the Fraser River route or the route to Bute Inlet. But instead of doing that they went on and surveyed northern channels, to which they would never dream of taking a railway—inlets that are liable to be frozen up several months of the year, and in which navigation is rendered dangerous by constant fogs—a route that would offer no inducement for the trade of China or any other port in the world to follow, and this can only be compared with the water-stretch policy. In 1874 I gave my support to the railway policy of this Government. I thought they would bring a great deal of experience and practical knowledge to bear on this work. And I thought they certainly would not give out contracts for a scheme of that kind, unless their policy was thoroughly matured. But since then I have had reason to change my opinion.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACDONALD—I have seen a great many contracts given out without surveying, and without any judgment being shown. For instance, the Georgian Bay Branch, the Fort Francis Lock, and other works that should not have been undertaken. Because, however useful they may be for colonization purposes, the country cannot afford to deviate from the direct line of the Pacific

Hon. Mr. Macdonald.

Railway, and anything that is spent apart from the construction of that direct line is inadvisable. I, for one, have pressed upon the Government the necessity of keeping in view the construction of the main line only, and I protest against any money being expended upon any other work in the name of the Pacific Railway, that is not on the direct line. The water stretches are only a farce, as they cannot be of any use except for a few months in the year. And even in the summer time the expense of handling freight so frequently over a route like that, will be so great that it can never be utilized for commerce. Therefore, I was forced to come to the conclusion that the Government policy of building this great work was not the one for the country; that the Pacific Railway would never be built on such a policy; and I was forced to the conclusion that no scheme but one like that inaugurated by Sir John A. Macdonald, the construction of the road by a private company, assisted by a money bonus and land grants, will ever be a success.

Hon. Mr. SCOTT—Yet the hon. gentleman condemns us for trying to build forty miles of the railway on the same principle, without having a thorough survey made. But we believe that a thorough survey has been made of the main line.

Hon. Mr. MACDONALD—I think the advice of scientific men, and responsible men, should influence and govern the Ministry in this matter. And a great many mistakes that have arisen have been in consequence of taking the advice of political friends instead of following that of their scientific men. Charges of this kind are brought forward year after year. No doubt they are disagreeable, but my opinion is, that a fairly critical Opposition are the best friends a Government can have. They point out the dangers to be avoided, and show them many a rock upon which they would split if they had not that warning. In relation to these charges I have heard them made over and over again. But I never heard anyone suggest a remedy. Surely there is a remedy for this evil. Charges of corruption and jobbery are made, not only against the Dominion Government, but in every Province of the Dominion, against every Local Government. The trouble is there is a miscon-

ception between the elector and the candidate. Instead of the electors selecting their candidate and sending him to Parliament free from expense, the candidate usually selects himself, and buys his way into Parliament by bribes and promises; so that corruption is at the very base and bottom of the whole system of parliamentary government. What is the next step taken by the Government after getting into office. They fortify themselves in every possible way by promises to their supporters in Parliament and out of Parliament, and look only to a tenure of office. Until that desire for tenure of office is done away with, and until we find men coming forward full of patriotism and with different views for the good of their country, this corrupt practice will continue. Until a Government comes into power that will forget themselves, not looking to a tenure of office, but carrying on the business of the country in a fair and moderate manner, dealing out even handed justice, not overlooking opponents who may be responsible people in awarding contracts, but dealing fairly with all, this thing will go on and corruption will continue. If a Government pursue that course for five years, not looking more to their friends than their opponents, and the country approve of their conduct, and choose to re-elect them, very well. But if not they have the satisfaction of knowing they have done their duty in a patriotic manner. The difference between the present and the former Government is this: the former Government carried on the affairs of the country in a groove they had been running in for years, helping, I suppose, their own friends more than their opponents. But this Government came into power with all those evils clearly marked out before their eyes, and preaching against such abuses for a long number of years. And they came into power with the cry of purity on their lips. They were going to cleanse the political atmosphere, they were going to elevate the standard of morality. But instead of doing this, they went beyond their predecessors in corruption; and after the general elections were over, it is remembered by all, how many members lost their seats through corrupt practices. Since then, the standard of purity has been dragged in the mud, and how the promises made

*Hon. Mr. Macdonald.*

by the Government have been fulfilled, I will leave to themselves to answer.

Hon. Mr. SKEAD—I would like to say a few words with the permission of the House, before this debate is closed. I think it was on the last day of last Session I asked a question across the floor of this House of the hon. Secretary of State, and I think there was a promise made on his part. I would like to know if that promise has been partially fulfilled, or is it going to be fulfilled, and if so, when? From the promise made I thought we would have something done before now. I saw a notice the other day in the papers, that a contract had been signed for the construction of the eastern end of the Georgian Bay Branch, and I would like the hon. Secretary of State to say if this promise he made last Session is to be carried out?

Hon. Mr. SCOTT—The contract signed the other day had nothing to do with the Georgian Bay Branch. At the close of last Session, I think I said the Government were engaged in a survey from a point on the eastern end of the Georgian Bay Branch to connect with the Canada Central Railway. That survey was completed, I think, a year ago. Owing to circumstances I need not now revert to, Mr. Foster broke down in the proposition he had made to the Government, but I hope that scheme will be revived. The policy of 1874 has not been renounced by the Government. Circumstances beyond their control prevented it from being carried out, but the policy has not been abandoned in any sense. Of course, in view of the construction of the railway from Quebec along the north shore of the St. Lawrence and the Ottawa, it would be quite improper to abandon the Georgian Bay Branch scheme, as I think it is due to the people of Quebec that it should be carried out. Whether this Government will have an opportunity to carry it out or not, the next Government must do so. The Province of Quebec has invested \$12,000,000 or \$14,000,000 with a view to connecting their great trunk line with the Pacific Railway. I think the promise was made even before this Government came into power, that every facility would be afforded in order that the connection should be made, and now that this road is built from Montreal to Ottawa, and

will be built from Quebec to Montreal in another year, no doubt it will be the duty of the Government to see that this promise is fulfilled. No doubt this Government will do it; but if time and circumstances should not permit them to carry out this scheme, their successors will, no doubt, be very glad to do it.

Hon. Mr. SKEAD—There was a statement made in the press a few days ago that a contract had been entered into for the purpose of going on with the road from Pembroke to Lake Nipissing.

Hon. Mr. SCOTT—I think that is a contract made with the Canada Central Railway. I heard that Mr Worthington and somebody else in Montreal, had entered into a contract for the extension of the Canada Central Railway west to Lake Nipissing, which is a point some twenty miles further west than the proposed eastern terminus of the Pacific Railway. So that, if they carry their line to Nipissing, it will shorten by twenty or thirty miles the length of the originally proposed line at the eastern end, but it will involve an expenditure to connect it with the waters of Lake Huron.

Hon. Mr. SKEAD—Then we are not to understand that this is a Government contract?

Hon. Mr. SCOTT—No. It is a contract made by the Canada Central Railway Co., with Mr. Worthington.

Hon. Mr. SKEAD—But it is to be part and parcel of the Pacific Railway.

Hon. Mr. SCOTT—Yes, it will be so eventually.

Hon. Mr. TRUDEL—Is it entitled to the Government subsidy of \$12,000 a mile?

Hon. Mr. SCOTT—Of course.

Hon. Mr. SKEAD—I am very glad my friends have been so lenient with the Ottawa interests during this protracted debate. But still there has been an occasional slap given to the Georgian Bay Branch scheme. I had an intimation from the hon. Secretary of State that we would have some news about the extension of the Canada Central Railway at an early date, and I am pleased to hear that it is to be extended to Lake Nipissing. When we get to Lake Nipissing however, what is to be done? Are we to stay there?

Hon. Mr. Scott.

Hon. Mr. SCOTT—I think I have tried to explain to my hon. friend it will no doubt involve the connection from that point with the waters of Lake Huron. It will necessarily involve the construction of a line from Lake Nipissing to some point on French River, or connection with the waters of the Georgian Bay, that will answer fully the purposes of trade for some years to come. I cannot say now that the Government are prepared to undertake it. But it must follow the construction of the line eastward, and, as proof of that, the Canada Central have given the contract.

Hon. Mr. SKEAD—If the navigation of the French River were improved up to Lake Nipissing, it would open a large extent of country for settlement, and would extend the water stretches navigation in connection with the railway. I am glad to hear so much, and I do hope that the Government intend to push on this scheme. It was one of the pledges given at Confederation, and we look upon it as part of the Pacific Railway. So much has been said about water stretches, missing links, and Fort Francis Locks, I have almost forgotten one-half of it. I do not think any hon. gentleman doubts which side of politics I am on, but I do say I think there has been too much harshness shown to the Government in this Pacific Railway matter. A complaint is made that the Government have been surveying for seven years, and that they have nothing to show for it. But, if we take up the great Book of Holy Writ, and go back towards the beginning of the world, we will find that the people in those early days served seven years for a wife—some of them—and at the end of seven years did not get her; and the servitude had to be gone through again. I have no doubt if this change of Government, that is predicted, takes place before the next Government get through with their term, a considerable portion of the railway will be built. And, no doubt, if the present Government get back again before they get through with their second five years of servitude, they will have something to show for it. I hope this Georgian Bay Branch will not be lost sight of. I have no hopes of support for it from the people of Toronto, as our western friends appear to think that

everything must be centered at the Queen City. But, I expect, the Maritime Provinces and the Province of Quebec will join with us, and see that the Ottawa interests will be sustained, and that the road will be brought through the Ottawa Valley route as being the shortest and most direct route from the west to tide-water. If the French River were improved so as to open the Nipissing for navigation, it would not take a great deal more to reach the Ottawa by improving the Mattawan River.

Hon. Mr. DICKEY—I must congratulate my hon. friend on the consistent manner in which he has advocated this Georgian Bay Branch scheme and the interests of the Ottawa Valley, but it appears now there is to be another change of policy with regard to it. We were told on a former occasion when the Georgian Bay Branch was discussed, it was to start from a point thirty miles east of Lake Nipissing, and was to go on to the waters of the Georgian Bay. Now we are told that this contract from Pembroke westward is continued from a point where it was supposed the eastern terminus of the Canada Pacific Railway was to be, thirty miles further to Lake Nipissing, although we were told before that, we could not get near the waters of Lake Nipissing at all. It is perfectly clear, from the explanation of the hon. Secretary of State, that the idea of the railroad being continued to the Georgian Bay has been abandoned, because this railway is to extend further north towards the waters of Lake Nipissing.

Hon. Mr. SCOTT—The hon. gentleman quite misunderstands the position of it. I stated that the Canada Central proposed to carry their line to Lake Nipissing, and not to a point south of it. They will make connection with the Government railway which will then be united with the waters of Georgian Bay. It was not proposed to utilize the waters of Lake Nipissing.

Hon. Mr. DICKEY—Was it not stated distinctly last year that the point of junction of those two railways was to be twenty miles south-east of Lake Nipissing, and now it is proposed to build the line to Lake Nipissing.

Hon. Mr. SCOTT—It saves the  
*Hon. Mr. Skead.*

Government the construction of just so much railway, for the moment the Canada Central goes beyond the 120 miles they get no further subsidy for any excess. And so far as that excess goes it saves the country so much, as it makes the Government line proposed to connect with the waters of the Georgian Bay so much shorter. Hon. Mr. Skead has suggested it might strike French River, and by making improvements there, it could connect with the waters of Lake Nipissing. Of course I am not now in a position to discuss the question, but by so much further west as the Canada Central extends its line, so much less mileage will there be in the Georgian Bay Branch.

Hon. Mr. SKEAD—The terminus of the Canada Central Railway at Lake Nipissing and the improvement of French River will open a large amount of country for settlement. The improvement necessary will extend along about 50 miles of the river. And if we are going to have water stretches from Thunder Bay to Lake Huron we may as well improve the French River also, which will give navigation up to Nipissing Lake. This lake is 142 miles long, with a very fine hardwood timber country around it. If it were made navigable to the mouth of French River the navigation would, in course of time, be opened through to the Ottawa waters *via* the Mattawa river and become a very important link of the great scheme for improving the navigation from Lake Huron down the Ottawa River to tide water.

Hon. Mr. HAYTHORNE—I think it is rather unfortunate that the debate on which we are now engaged should have been so frequently postponed. It is now nearly a fortnight, thirteen days, since my hon. friend from Bellville first introduced his motion into this House, and since then another great question has been introduced and disposed of, and a measure of considerable domestic interest has been discussed and a decision has been arrived at upon it, while this question, which affects the whole Dominion has been allowed to stand. In this way we sacrifice a great portion of its interest, and it is almost impossible to take up the thread of the debate and refer with an degree of precision to the remarks that have been made in its earlier stages, although they may demand some-

attention. I wish to refer to some remarks made by the hon. gentleman from Manitoba in the early part of this debate, and I do so because I happened to serve during last Session of Parliament upon the Special Committee which, I think, was moved by that hon. gentleman with a view to determine whether a route could be found south of Lake Manitoba, to supersede the line located by the Government engineers to the north of the lake. That question engaged the attention of the committee for several days, and after a long and industrious enquiry, they reported, unanimously, I think, suggesting to the Government that a further investigation should be made during the ensuing summer with a view to ascertaining whether a practicable route—one which could be adopted without material loss to the general public—might not be adopted through the settled portions of the Province instead of running the railway to the north of it. I find from the report of the Minister of Public Works that such an investigation as had been recommended by the committee had been made during the past summer, and the details which are given by the acting Engineer-in-Chief are very well worth the attention of this House in more respects than one, because, to my mind, they not only set the question of special enquiry, at rest, but throw great light upon the expenses incurred in such surveys and the loss of time which has been to some extent thus entailed on the service. I will, with the permission of the House, read a few extracts from the report. It was urged last year that much uncertainty prevailed as to the character of the line south of Lake Manitoba, as no instrumental survey had been made of it, but this objection has been overcome, and at page 183, under date January 4th, 1878, the acting Engineer-in-Chief reports:—

“In accordance with the verbal instructions of the Minister, an examination has been made of this line, from Selkirk westward, south of Lake Manitoba, with instrumental surveys of some of the deep valleys, traversed by the line, and at other places where deemed necessary—

“The first serious difficulty is the crossing of the valley of the Little Saskatchewan, which is nearly a mile wide at the top, sloping gradually down to the river, where the valley is 225 feet deep. As it is obviously impracticable to cross this at right angles without enormously

Hon. Mr. Haythorne,

heavy works, the course of the surveyed line was deflected so as to follow obliquely down one side of the valley and up the other, by which the maximum gradient on the east side was reduced to 0.75 per 100, or 39.60 feet per mile for five miles, and on the west side 1 per 100, or 52.80 per mile for a distance of over four miles in length. Thus it requires over nine miles to cross this valley, carrying the line out of the direct course, which, together with the unavoidable curvature, will increase its length considerably.

“The valley of Birdtail Creek, at the point crossed by this route, is three-quarters of a mile wide and 190 feet deep in the centre.

“The valley of the Assiniboine is over a mile wide, sloping abruptly down to the bottom flat, which is over 200 feet below the level of the plain. The river is 300 feet wide at flood, where it is crossed by a bridge at Fort Ellice. No instrumental survey was made of these valleys, but they could probably be crossed in the same way as the Little Saskatchewan.

“The valley of the Cut Arm Creek is over 100 feet deep where the trail crosses it.

“The Touchwood Hills could be crossed without exceptionally high gradients, but with some rather heavy excavations, and the line would be sinuous, and consequently longer than if a direct course were practicable.

The engineer proceeds to describe a deviation by Quill Lake, and this is what he says of the valley of Shell River:—

“Where the line strikes it is 250 feet deep, over a mile wide at the top and 1,000 feet on the bottom flat. It is possible to descend by the slope of this valley to the bottom flat of the Assiniboine valley, and after crossing that, to ascend by a lateral valley to a table land on the west side; this, however, can only be done by using high gradients, and with a large amount of curvature, by which the length of line would be considerably increased. Some of the gradients used on the survey were 70 feet to the mile; these, however, can probably be reduced to 1 per 100 or 52.80 feet per mile, but only with very heavy excavations.

“The rest of the line to Quill Lake is favourable; a considerable portion of the land is fit for cultivation; of the balance, some is good pasture land—the rest very poor. It should be observed that the Engineer-in-Chief fixed the maximum gradient at 0.50 per 100, or 26.40 feet per mile, rising eastward, and 1 per 100 or 52.80 feet per mile rising westward; and on the located line these gradients have been maintained to a point west of Battleford. They could not, however, be maintained on the line suggested; even with very heavy works a gradient of 1 per 100 each way is the best that could be had for many miles. This, together with the increased length caused by curvature, and deflections from the general course would render the line suggested much inferior to the

located line for the economic working of traffic, and would add materially to the cost of moving to the seaboard the products of the large and rich agricultural tracts lying further to the north-west."

Now, hon. gentlemen, I think the statements made upon the authority of the Engineer-in-Chief ought to be sufficient to set this matter at rest, but as there are some other remarks in the Engineer's report which have considerable weight on this subject: I will take the liberty to quote them—

"It is evident that no single line of railway can traverse all the fertile portions of a country so extensive, and that even before the Trunk line is complete, branches will be required in various directions.

"A branch line could be constructed at a comparatively small cost to meet the requirements of the Province of Manitoba equally well as a diversion of the main line, which if carried out as suggested, could not fail to be injurious to the wider interests of the Dominion.

"From all the information obtained up to this time, it does not appear advisable that any alteration should be made in the line as located in this district.

"There, however, appears to be feasible line, which after passing the south end of Lake Manitoba takes a northwesterly course, skirting the eastern base of Riding Mountains, and the northern end of Duck Mountain, and joining the located line in the valley of Swan River.

"The line suggested would be from 20 to 30 miles longer than the located line, but the gradients would be good, and the works moderately light, and it would therefore be somewhat less open to objection, than the other deviations proposed."

Now, hon. gentlemen, I think that disposes pretty well of all the objections that have been made with regard to the deviation south of Lake Manitoba. It seems to be obvious that it would be far preferable for the Dominion, if it is absolutely necessary that a line of railway should be carried through the Province of Manitoba south of the Lake that a branch line should be constructed at the expense of the Dominion rather than that the trunk line should be deflected from the course advocated by the engineers. I will now make a few remarks upon the general subject which has been referred to, and first with regard to the assertion that s

*Hon. Mr. Haythorne.*

little has been done for so very much money. I think that hon. gentlemen who indulge so freely in that assertion lose sight of the fact that the undertaking is one of enormous magnitude, and although the work that has been performed makes comparatively little display at the present time, yet it was indispensable to the proper commencement of the work. The carrying out of an instrumental survey through such a vast wilderness must, in the nature of things, be an exceedingly difficult and slow work; and further than that, I think it may be remarked that railway work through a region, such as the Pacific Railway has to traverse, must naturally make very small returns, until the whole can be completed or a junction made throughout. By a temporary use of the water stretches, we might thus have communication through our own territories. We all know that it takes a long time with other works of construction as well as railways to show adequate results. In building a ship or a house, for instance, you must wait for results. At first the ship or building is but an aggregation of material, but in time it takes the shape of something useful; and we will have to wait until those surveys are completed, until the different joints, as it were, of the lines shall be connected, and when this is done you may look for results; but to expect them at this early stage of the proceeding, seems to me to be both absurd and extravagant. To give the House some idea of the extent and magnitude of these surveys, I would just refer to the chapter devoted to "work executed" in Mr. Fleming's report. This book which I hold in my hand, and which hon. gentlemen are no doubt familiar with, is itself evidence of the amount and difficulty of the work which has been accomplished, and speaking of the work that has actually been done, Mr. Fleming says:—

"The length of the various lines surveyed, and routes explored amounts in the aggregate to close on 46,000 miles, of which no less than 11,500 miles have been laboriously measured, yard by yard, through mountain, prairie and forest, with the spirit level, chain, and transit. Large as the mileage of examinations undoubtedly is, it yet forms only a very imperfect factor in estimating the energy expended on the work, and but faintly suggests the toilsome, unflagging labor, which has been necessary to encounter difficulty after difficulty; labor too often resulting in failure."

Then he adds what I think is quite becoming in him to mention. He bears testimony to the energy, courage and constancy of the staff engaged under him in that great undertaking. I know of nothing more worthy of commendation and praise than the constancy and courage displayed by the staff employed on the Pacific Railway, in prosecuting so dangerous and difficult an enterprise. I might refer to other portions of this work, to illustrate those points. Mr. Fleming says:—

“Most of the work has been carried on amidst the severities of winter, frequently in an exceedingly low temperature. The surveying parties were far from all habitations, and were supplied with but inadequate shelter and diet, although both were the best circumstances would admit of.

This book also contains a most interesting chapter, comprising the report of Mr. Jarvis, who led a party, in the depth of winter, from British Columbia to Winnipeg, and suffered the extremes of cold, fatigue, and other difficulties. And, I am sorry such difficulties as have been encountered, both difficulties of detail and difficulties connected with the climate of the country that has been explored, ought to have some weight in estimating the work that has been performed. This was no survey carried on in a summer climate, but often at enormous altitudes above the sea, to which places provisions, not only for the men but even for their dog teams, had to be conveyed; all those comparatively unimportant things form important items in estimating the difficulties that have beset the commencement of the Pacific Railway. Looking at all those things, I do not feel greatly surprised that any one should have, perhaps without deliberate thought, suggested the possibility that forty years might probably elapse before the road would be completed. I believe, myself, that history marches rather too fast in our times to delay the completion of such an important works as this, and that money, means and men will be found to complete this undertaking sooner than has been anticipated; but sometimes prophesies prove true. I might point to an English statesman, Earl Russell, who once hazarded the remark that the complete pacification of Ireland might not be completed before the year 1880, and, hon. gentlemen,

*Hon. Mr. Haythorne.*

judging from the recent event that has transpired there, the assassination of a nobleman on his own estate, the opinion thus hazarded upon that subject was not probably far astray. At this late period of the evening, as I have some further remarks to make on this subject, I beg to move the adjournment of the debate.

Motion agreed to.

## CATTLE DISEASES BILL.

### ENQUIRY.

Hon. Mr. HAYTHORNE—I would ask the Minister of Agriculture whether, in view of the provisions of the Imperial Act relating to the importation of cattle, it is the intention of the Government to adopt any measure regarding the inspection or regulation of the exportation of cattle from the Dominion.

Hon. Mr. MILLER—I do not think it is fair to take the Government by surprise by putting a question of that kind to them without notice.

Hon. Mr. PELLETIER—I suppose the hon. gentleman put that question in consequence of the newspaper paragraph that appeared to-day. I am very glad the hon. gentleman has put the question, as the subject is a very important one. I have no objection to tell the hon. gentleman that the Government is disposed to do all in their power to prevent the exportation of any cattle without a thorough inspection of them having been made before they leave the country.

Hon. Mr. DICKEY—There is a part of the year—five or six months—when the Government can have no control over this inspection when the cattle are exported from a foreign port.

Hon. Mr. SCOTT—Then the cattle would not be admitted into England.

Hon. Mr. DICKEY—There is a part of the Dominion where they can be inspected—I refer to Halifax,

Hon. Mr. PELLETIER—We have a cattle quarantine there.

Hon. Mr. SCOTT—The action of the Imperial Parliament will, necessarily, drive the cattle trade to that port, because the importation of cattle from foreign countries will be practically prohibited.

The House adjourned at six p.m.

## THE SENATE.

Tuesday, April 23rd.

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings, the House adjourned during pleasure.

At four o'clock p.m., the House was resumed.

INTERCOLONIAL RAILWAY  
HEADQUARTERS.

CONSIDERATION OF A RETURN.

Hon. Mr. POWER moved :—

“That the Return presented on the fifteenth day of March last to the Address of this House of the 20th day of February last, for copies of all Orders-in-Council, reports, recommendations and correspondence, and any other information in the possession of the Government relative to the fixing of the headquarters of the Intercolonial Railway at Moncton, be taken into consideration.”

He said: The papers brought down in reply to a motion which I moved some time ago, were two in number; one, an extract from the minutes of the Intercolonial Railway Commissioners, at a meeting held at Ottawa on the 6th January, 1870, in which they agree to recommend that the headquarters of the railway should be fixed at Moncton; the other, a more important document, a copy of the report of a meeting of the Privy Council held on the 11th January, 1870. The latter is as follows :—

“Copy of a Report of a Committee of the hon. the Privy Council, approved of by His Excellency the Governor-General in Council on the 11th January, 1870. The committee have had before them a report, dated 6th January 1870, from the Commissioners for the construction of the Intercolonial Railway, upon the proper location for the main workshops of that line, east of the St. Lawrence. The Commissioners state, that having given the question careful consideration, with reference as well to the existing Railways in New Brunswick and Nova Scotia, as to the Intercolonial they recommend that Moncton be selected as the place for establishing the main workshop for the repairs and maintenance of the rolling stock. They further recommend that they be authorised to purchase the necessary quantity of land, and to contract for the buildings and machinery that may be required.

“To the Honourable

“The Minister of Public Works.

&c. &c. &.,”

Hon. Mr. Power.

“The Committee concur in the recommendation of the Commissioners and advise, that they be authorised to carry out their report.”

Now, as I stated when bringing this matter before the House on a former occasion, I do not propose to raise any question as to the desirability of the selection of Moncton. My object was simply to establish certain facts; and the statement I made at that time was, that the late Government had decided upon establishing the offices and headquarters there, and that the change had actually been made before the present Government came into power. If any hon. gentleman will consult the Public Accounts for 1872-3 and 1873-4, he will find that before the change of Government, there were sums amounting altogether to about \$150,000, expended in the purchase of land and the erection of buildings at Moncton; and it will be found that after the change of Government there was spent altogether in completing those buildings (which had been begun by the late Administration) the sum of only about \$20,000. So it is quite clear that the impression which was on my mind, and on the minds of a majority of persons in Nova Scotia, was the correct one, that not only had it been decided that the workshops and principal offices of the Intercolonial Railway should be located at Moncton before the change of Government took place, but the lands had been purchased, the necessary buildings erected and the principal offices removed from other places at which they had been located to Moncton, before the present Government came into power.

Hon. Mr. McLELAN — The hon. Senator from Halifax is in error in saying that we removed the offices and workshops to Moncton from other points. If he will turn to Mr. Brydges' report, he will find there were 198 men employed at Moncton, and 180 at Richmond, in 1874. So, whatever removal has taken place, has been since that time. It was never denied that the late Government and the Commissioners proposed to have the main workshops at Moncton, as mentioned in the report before the House. But, what was contended by the hon. Senator and some of his friends in Halifax, was, that the late Government had removed the workshops from Halifax. The hon.

Senator will see from the papers that have been brought down, there was no such intention expressed in the recommendation of the Commissioners in 1870, nor in the minute of Council of the 11th January, of the same year. The recommendation was, that workshops should be erected at Moncton, central to a large portion of the Government railways, and that recommendation was made by the Commissioners, sanctioned by the Government, and carried out. But up to 1874, the hon. gentleman will find there were nearly as many men employed in workshops at Richmond as there were at Moncton, within 19; and he will also find there was no removal of machinery or works from Halifax prior to that. If the hon. gentleman will look at the returns, he will find there are not only workshops at Moncton, but at five or six other points on the line. They are necessary, and will always be required for the economical and efficient working of the road. When the hon. gentleman had the question up a few days ago, I mentioned where those workshops were. The Commissioners contemplated there would be workshops at several points along the line, and, instead of the papers which have been submitted, confirming the position taken by the hon. gentleman and his friends, that the late Government removed the workshops from Richmond, the evidence is conclusive that any removal has been made by the present Government.

Hon. Mr. WARK—The hon. Senator has read from Mr. Brydges' report. He ought to have read further, because he would have seen the Commissioners had built shops large enough to do all the work, not only for all the lines then in existence, but also for the Intercolonial Railway from Riviere du Loup eastward. Why did they build such large workshops if they required others? Here is what Mr. Brydges said a very short time after the hon. Senator from Londonderry ceased to be a Commissioner:

"I consider the shops and machinery now at Moncton to be in every respect suitable for the purposes for which they were constructed. The shops have ample capacity to repair properly and economically all the stock that now exists upon the railway. In my opinion Moncton is the proper position at which the repair shops ought to be placed, and I am equally of opinion that there is no necessity for having repair shops at more than one place for the length of

Hon. Mr. McLelan.

the railway, which has to be worked. I say this not only with reference to the existing state of matters, but looking to the fact, that in a short time a considerable length of railway will be added north of Moncton, the repairs for stock upon which will have to be effected at Moncton. It is obvious to me that all the stock upon the line south of Newcastle, will have to be repaired at Moncton, and the shops there are designed for the purpose of accomplishing that object and are sufficient for the purpose, and there is no necessity for having any other shops for the work. There will be working, after the road is finished between Newcastle and Riviere du Loup, twenty engines. A very small running repair shop at Campbelltown will do all that is necessary to keep these engines in repair by sending any that require heavy repairs to Moncton. The existing repair shop at Richmond, according to my judgment, is unnecessary, and is causing a useless expenditure of money."

"I am of opinion that that the actual saving in money by concentration of the work at one place would amount yearly to \$20,000 to \$25,000."

. This clearly shows what the intentions of the Commissioners were when they constructed these extensive shops—that the whole of the work should be done there, and it shows the object was to save money. It shows that these workshops would have been continued at Halifax doing half the work at a cost to the Dominion of twenty to twenty-five thousand dollars a year more than was necessary. It is true the hon. gentleman said, there would be workshops required west of Moncton for light repairs to accidents that might happen at that end of the line, but the Commissioners clearly intended that the whole heavy work should be done at Moncton, with the exception of small repairs north of that point. Mr. Brydges shows that lumber and other materials cost less at Moncton and St. John than at Halifax. It is clear the Commissioners intended that all the work should be done at Moncton with the exception of small or temporary repairs away up about Restigouche.

Hon. Mr. DICKEY—What year was that in?

Hon. Mr. WARK—In 1874.

Hon. Mr. DICKEY—I think that pretty effectually settles the question who removed the shops.

Hon. Mr. McLELAN—My hon. friend is wrong in using the word "whole." If the hon. gentleman will read the report made by the Commissioners in 1870, he

will see they did not use the term "whole of the work." They recommended that the main workshops be placed at Moncton. The hon. gentleman knows there are six or seven other workshops scattered along the line at Halifax, Pictou, Truro, Campbelltown, Riviere du Loup, and other points, but the main workshops are at Moncton, as I informed the House on a former occasion; but when Mr. Brydges, in 1874, was endeavoring, in his report to the Government, to make out a case against leaving workshops at Halifax, there were nearly as many men employed at Richmond as at Moncton, and whatever change has been made since then has been on the report of Mr. Brydges.

Hon. Mr. FERRIER—The whole of the repairs cannot be done at any one place on the line. I went through the chief workshops at Moncton last year, and spent, I think, a day and a half in them. I am satisfied that there is no such machinery in connection with railroad repairs and the construction of locomotives, on the continent of America. I never saw better machinery. I never saw workshops in connection with railroads in England or on this continent which were so complete as the shops at Moncton. There is nothing there superfluous, and the work is done with greater economy than in any other establishment of the kind I have ever seen, in consequence of the superior character of the machinery.

Hon. Mr. POWER—I believe I used, inadvertently, the word "removal"; but I do not think I applied it to the workshops. At all events, I did not intend to do so. The head offices were removed from Halifax; but, of course, the workshops are still there. They could not conveniently be removed, and I understand that there are about as many men employed at Richmond now as there were at any time. It is true that Mr. Brydges did, in 1874, recommend that the work at Halifax should be, in a great measure, discontinued. But the Government did not act on Mr. Brydges' recommendation. I should just like to repeat what the Commissioners reported. (Here Mr. Power read the following paragraph of the Order-in-Council again):—

"The Commissioners state that having given the question careful consideration, with reference as well to the existing railways in New

Hon. Mr. McLelan.

Brunswick and Nova Scotia as to the Intercolonial Railway, they recommend that Moncton be selected as the place for establishing the main workshops for the repair and maintenance of the rolling stock."

It is clear Moncton was intended as the place for the principal workshops on the whole line, and also of the offices—that was the intention of the late Government. It was only the question of fact that I was desirous of having established, in order to remove the doubts which existed in the minds of some hon. gentlemen with respect to the removal of the headquarters of the Intercolonial Railway.

Hon. Mr. MILLER—If anything has been established it is that the charge brought against the late Government of having removed the workshops from Halifax to Moncton has not been sustained. I think it has been made clearer than ever that these workshops were removed by the present Government.

Hon. Mr. POWER—They have not been removed at all.

Hon. Mr. MILLER—They were removed in 1874. I hope the hon. gentleman has satisfied himself. He certainly has satisfied the House that he occupies a most ludicrous position, and the party to which he belongs may well say, "save me from my friends," because he has clearly shown the present Government is alone responsible for removing the workshops from Halifax.

Hon. Mr. MACFARLANE—Not only has the change been made by the present Government, but the removal of the workshops has led to the dismissal of a large number of valuable employes. They dismissed Mr. Taylor and Mr. Johnston, and other efficient men, on whose skill and experience, the proper management of the railroad to a large extent depended.

Hon. Mr. SCOTT—When the present Government came into power, they found a very considerable sum of money had been expended on the workshops at Moncton, and they were in course of completion. Mr. Brydges speaks of them in his report as of something settled and passed. In view of the Order-in-Council, passed some time before, a large expenditure had been incurred before the change of Government. As to the allegation that officials have been dismissed, I have no doubt the

Government thought it was desirable that changes should be made, possibly with a view of reducing the expense or increasing the efficiency of the service, but it certainly was not in connection with the change of the offices.

The subject was then dropped.

MERCHANT SHIPPING BILL.

THIRD READING.

Hon. Mr. PELLETIER moved the second reading of Bill (63), "An Act to repeal section 23 of 'The Merchant Shipping Act, 1876,' as to ships in Canadian waters." He said the Bill contained but one clause, which was as follows :

"1. The twenty-third section of the Act of the Parliament of the United Kingdom, known as The Merchant Shipping Act, 1876, shall be repealed as respects all ships while in the waters of Canada, from and after the time which may be fixed for that purpose by the proclamation of the approval and confirmation of this Act by Her Majesty in Council."

The final despatch from the Imperial Government on this question, showed that they did not object to this measure, provided it exempted all ships, whether registered here or elsewhere, from certain duties while in Canadian waters.

The motion was agreed to.

The Bill was then read the third time and passed.

MALT DUTY BILL.

THIRD READING.

Hon. Mr. PELLETIER moved the second reading of Bill 61, "An Act respecting the duty on malt." He said it was introduced at the request of the maltsters, to repeal the duty imposed on malt, by the legislation of last Session. The provisions were, first, for the repeal of the present duty ; second, for the bonding of malt when imported; third, for subjecting it to the same excise regulations and restrictions as Canadian malt, and, fourth, for the seizure of malt, if not immediately warehoused when imported. The duty had been put on last Session at the request of the maltsters of Canada, but the effect of it was to furnish the United

Hon. Mr. Scott.

States maltsters with an excuse to apply to Congress for a similar duty there against Canadian malt. As that would have a serious effect upon a large interest in this country, while the imports of malt were exceedingly small—almost nothing—the maltsters applied to have the duty repealed.

Hon. Mr. WILMOT—Did I understand my hon. friend to say there was no malt imported ?

Hon. Mr. PELLETIER—A very insignificant amount. It is only in consequence of an understanding that we would repeal this duty that Congress has not imposed a duty on Canadian malt.

Hon. Mr. FERRIER said it was evident from this that a retaliatory policy would have been beneficial to this country if the Government had adopted it long ago.

Hon. Mr. SCOTT said the people interested thought differently. In this instance, the effect of putting on a duty was to furnish an excuse for retaliation in the United States, which would have seriously injured those engaged in growing barley and manufacturing malt in this country.

Hon. Mr. FERRIER said he was speaking of a protective policy on all articles of Canadian growth and manufacture. He contended if a policy similar to that of the United States had been adopted in this country long ago it would have helped us greatly during this period of depression.

Hon. Mr. WILMOT said it was at the dictation of American interests that this Bill was introduced.

Hon. Mr. PELLETIER contended it was solely with a view to benefiting Canadian industries.

Hon. Mr. TRUDEL thought this reason a good one, and it showed the advantage which might result to Canada from a retaliatory policy. It also showed how careful public men in the United States were to protect home industries. He thought Canadian statesmen should follow such a wise and patriotic example.

The motion was agreed to.

The Bill was then read the third time and passed.

## HOMESTEADS EXEMPTIONS ESTATES BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill 44, "An Act to provide for the creation and registration of Homestead Exemption Estates in the Territories of Canada." He said the principle of homestead exemption had been recognized in Ontario since 1868 and had proved very satisfactory. A similar law existed in the Western States. This Bill limited the exemption to a farm of eighty acres, value not to exceed \$2,000, or to a lot in an incorporated city, town or village. Wherever this principle had been recognized, it had been found very attractive to immigrants who desired to protect themselves and their families against their own indiscretion.

The motion was agreed to.

## PENITENTIARY ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. PELLETIER moved the second reading of Bill No. (69,) An Act to amend section sixty-eight of "The Penitentiary Act of 1875." He said the object of the Bill was to prolong for one year the term within which prisoners could be admitted to the Penitentiaries of Nova Scotia and New Brunswick.

The motion was agreed to.

## PACIFIC RAILWAY ACT AMENDMENT BILL.

### SECOND READING.

Hon. Mr. PELLETIER moved the second reading of Bill (52,) An Act to amend "The Canadian Pacific Railway Act, 1874." He said the object of the Bill was to amend section 16 of the Pacific Railway Act, so as to enable the Governor-in-Council to make arrangements for the leasing of the Pembina Branch for a term not to exceed ten years; such lease to be subject to the approval of the House of Commons.

Hon. Mr. MILLER said he would not oppose the second reading of the Bill, but

*Hon. Mr. Scott.*

at a future stage he would move to limit the term of the lease to five years, and also to provide that the lease should be subject to the same ratification in the Senate as in the House of Commons.

Hon. Gentlemen—Hear, hear.

The motion was agreed to.

## BILL FROM THE HOUSE OF COMMONS.

A Message was brought from the House of Commons by their Clerk with a Bill intituled "An Act respecting persons imprisoned in default of giving sureties to keep the peace," to which they desired the concurrence of the Senate.

The Bill was read the first time.

## MANITOBA CONFLICTING LAND CLAIMS BILL.

### MESSAGE FROM THE HOUSE OF COMMONS.

A Message was received acquainting the Senate that the House of Commons disagreed to their amendment to the Bill (No. 46): "An Act to amend an Act respecting conflicting claims to lands of occupants in Manitoba," for the following reasons:—

1st. That the proposed amendment is at variance with the general scope and title of the Act respecting conflicting claims to lands in Manitoba, under which the question whether any person has a claim against the Crown is not referred to the Commissioners, but only the cases of persons who had acquired some estate or interest in land from the Hudson's Bay Company, or the cases of adverse or conflicting claims between persons under sections three and four of section thirty-two of the Manitoba Act, and in respect of which it has been previously established to the satisfaction of the Minister charged with the administration of Dominion Lands, that there has been undisturbed occupancy of the same. The question whether any person has a claim against the Crown is, and should be determined by the Minister prior to any reference to the Commissioners.

2nd. That the machinery provided by the Dominion Lands Act enables the Minister in charge to make the necessary investigation

in the cases provided for by the amendment more expeditiously, efficiently, and cheaply than can be done under this amendment, should it become law.

3rd. That the amendment would prevent the Minister from deciding adversely to the claimant without first making a reference to the Commissioners, although the evidence accompanying the application may conclusively show that the person asking for a patent has no valid claim.

4th. That the amendment would injuriously impede the administration of Dominion Lands in Manitoba, and delay the allotment of some of the half-breed reservations.

Hon. Mr. GIRARD moved that this Message be taken into consideration on Friday next.

Motion agreed to.

## THE CONSTRUCTION OF THE PACIFIC RAILWAY.

### THE DEBATE CONTINUED.

The Order of the Day having been read for resuming the adjourned debate on the Hon. Mr. Kead's motion :

"To resolve, That this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway involves the expenditure of enormous sums of public money without any corresponding beneficial results."

Hon. Mr. HAYTHORNE said: When the last adjournment of this protracted debate took place, in addressing this House, I referred to the magnitude of the surveys which had been accomplished. I stated, I think, that some 46,000 miles of lines had been explored, and some 11,000 miles or thereabouts had been carefully measured and gone over with the spirit level, chain and transit. I also referred to the praiseworthy exertions made by the staff of engineers who had conducted the survey, and the sacrifices made by them, and attempted to enlist the sympathies of hon. gentlemen for those who had spent so much of their lives, their youth and strength in attempting to accomplish this difficult and yet national object. There is one point further to which I may refer now, with reference to that same service,

Hon. Mr. Haythorne.

the fact, that during the survey which has been accomplished, no less than one thousand men, in different capacities, have been employed at the same time in this service, and thirty-five of those men have lost their lives, some by fire, some by flood, some through the ice, and some in the wreck of a steamer on the Pacific Coast. This is another proof of the magnitude of this preliminary service, which is necessary before much progress can be made with the work of construction. I might further remark, as to the labors which those men have undergone, and the results which they have accomplished, that, starting from the Pacific Coast, no less than eleven different lines have been explored through the mountain region. On eight of them, the distances have been carefully measured, and the cost of construction has been estimated. It will give hon. gentlemen an idea of the enormous cost and magnitude of the road we are about to undertake, when I state that the estimated cost of those eight lines, from the Pacific Coast to Yellowhead Pass, varies from \$39,000,000 for the highest, to about \$28,000,000 for the lowest, and the gradients and difficulties encountered in the mountain region are unprecedented, at all events in Canada, as yet.

Hon. Mr. MACDONALD (Victoria) —How many lines have been surveyed from the coast?

Hon. Mr. HAYTHORNE—Eleven.

Hon. Mr. MACDONALD—Probably half that number have been surveyed.

Hon. Mr. HAYTHORNE—Probably half that number have been found practicable. I find by Mr. Fleming's report that eight have been measured, two are estimated, and the eleventh, the Port Essington route, is termed "uncertain." There is one point with regard to this railway to which I may refer, and that is the general excellence of the gradients coming eastward from the prairie region to Lake Superior. I find by Mr. Fleming's report that some 1,200 miles are level, or with gradients under 26½ feet per mile, and none rising above 53 feet per mile. This is a point well worthy of attention. The difficulties which have been encountered in the woodland region have been very serious, owing to the vast extent and unbroken character of the forests there. This explains, to my mind,

some of those difficulties which I have heard hon. gentlemen refer to in this House, and in committees, occasionally. I have heard them express surprise that the engineers had not diverged from the direct line they were exploring, but when we consider the unbroken density of those forests, it ceases to be a matter of surprise that further investigations have not been made in the woodland region. It seems to me that remarkable energy has been shown by the staff of engineers, and though the expense has been large it is not great when we consider the time and labor expended in this preliminary work. One might refer to the outlay which, even in such a country as England, was found to be necessary in what were styled preliminary expenses. Even there it is stated that preliminary expenses have, in some cases, been incurred per mile sufficient to build a similar length of railroad on this continent, and yet it was found absolutely necessary to incur those expenses; how much more necessary in a country like ours, where there is such an extent of wilderness to penetrate? I wish, hon. gentlemen, to refer to some remarks which fell from my hon. friend who introduced this motion, as it struck me that the references which he made to the purchase of the steel rails were rather uncalled for. His motion appears to me to be either too strong for the occasion or else not strong enough. If it is really a fact that a huge job has been perpetrated in connection with those steel rails, I think, in that case, the hon. gentleman's motion is, perhaps, rather too mild. But I must express my surprise at the course which the hon. gentlemen opposite have thought proper to take in this House. It seems to me, believing as they believe, that a heavy public loss has been incurred, and that that loss has been incurred by the conduct of the Government, it is strange that they did not take the obvious course that should be adopted under such circumstances, and move for a committee of enquiry to investigate it. That is the course that has been adopted with regard to other charges in connection with the Fort Francis Lock, and the Kaministiquia terminus, and although those investigations are still incomplete, I have every reason to believe that the object of those gentlemen—assuming it to be to get at the truth—will be fully attained. Why

*Hon. Mr. Haythorne.*

not adopt the same course with regard to this matter? It seems to me it would have been the natural course to have taken. And I find it is the course which in the other House, the Premier and some member of his Government suggested to the Opposition; challenging them, in fact, to ask for a committee, and to have those charges fully and clearly investigated. But to have statements and charges bandied across the floor of this House, is really no way to arrive at the truth of this matter. If hon. gentlemen want to get at the truth, why not adopt the same course as they have taken with reference to the Fort Francis Lock, and the Kaministiquia terminus affair? I believe there is every probability of arriving at the truth with regard to those questions, and I see no reason why, if a similar course had been adopted with regard to the steel rails, we should not have an opportunity of arriving at the truth of that question also. It is only necessary to take a common-sense view of this steel rails matter, in order to see that the tenders themselves bear intrinsic evidence of the good faith of the Government, and of the uncertain state of the market at the time the contracts were awarded. When the tenders were advertised for, the trade was in such an uncertain condition that no one house would tender for the whole quantity of rails asked for by the Government, the largest quantity taken by any one firm being 20,000 tons. One firm had an offer to supply as much as they pleased, at their prices, but they refused to contract for more than 5,000 tons. These facts speak for themselves, and fairly demonstrate that the manufacturers themselves held that the trade at that time was, in a most uncertain position, and, consequently, very few of them ventured to contract for more than the smallest quantity for which tenders were called. From this fact, I come to the conclusion that the prices were so low and the trade was in such an unsettled state, that no manufacturers would risk a loss by undertaking to manufacture the whole quantity of rails required at that time by the Canadian Government. After all, the quantity was not very large to be taken out of the English market, and I find that this view of the case will occur to any man of common sense. It has been confirmed by my hon. friend on my right (Mr. Hope) who tells us the state of

things he found at Birmingham and other manufacturing centres and the unwillingness of the trade to take hold of large transactions at that time. About the time this Pacific Railway scheme first took shape, we know that the coal and iron trades of many parts of England and Scotland were completely demoralized. The colliers were on strike. They refused to work, and the coal necessary for the iron masters could not be obtained, and, as a consequence, a complete stagnation of the iron trade followed. I could illustrate this question by reference to a provincial railway that was constructed about that time in my own Province. The contract was entered into at a time when railway iron bore the lowest price, and was completed when iron was dearest, and thus the contractors missed securing what would have been a very handsome profit on that undertaking, simply in consequence of a rise in the iron market when they were compelled to buy. This affords a solution of the apparent incongruities that have been magnified and misconstrued by the hon. gentleman from Belleville, and some hon. gentlemen who think with him. I found that speaking of the purchase of steel rails, the hon. gentleman from Saugeen takes a milder view of that transaction than my hon. friend from Belleville. He seems to think that Mr. Mackenzie's brother would have been perfectly justified in tendering for the rails, and that it would have been proper for the Department to have accepted his tender if it had been the lowest. There are, however, some objection to that view, and I must say, looking at the question in the broadest light, and observing also the great misconstruction which the Government of the day would have exposed themselves to had Mr. Mackenzie's brother been in the position of a contractor for the supply of rails to this Government, I think he acted with wise discretion in having nothing to do with the affair. I think the very same men who now urge that the Premier's brother had been in a certain underhanded manner mixed up in this transaction, would not have scrupled to state that he had acquired private information from head-quarters before tendering. Therefore, in my opinion, he exercised a wise discretion in having nothing to do with it. Reference has been made to the Esquimaux

Hon. Mr. Haythorne.

and Nanaimo Railway. It seems to me that if any blame has been incurred in that matter it does not lie at the door of the Government, as they acted in conformity with the arbitration—not undertaken, perhaps, under the actual name of an arbitration—but on the proposition made by the Imperial Secretary of State, which would have been accepted by the people of British Columbia, but this House in its wisdom thought proper to reject the Bill, which was brought in here in consequence of that arbitration; and there ended that transaction. Now, if I remember right, the hon. member for Saugeen stigmatized that policy in very strong terms. The hon. gentleman styled it "an attempt to bribe—almost a crime." If it had been an attempt to bribe it would not have been almost a crime, but it would have been really a crime, and hon. gentlemen would be doing less than their duty in allowing such a crime to go unpunished. But I cannot see any crime in it at all. There was an attempt made on the part of the Secretary of State for the Colonies to bring about a satisfactory arrangement, but that attempt unfortunately failed. So that no blame can lie at the door of the Government with reference to the transaction. It has been stated in the course of this debate, with regard to the Fort Francis Lock, that no trade will be found in the country east of that lock. I do not, for my part, desire to enter at any length into the discussion of a transaction which is at present being enquired into before a Select Committee of this House, and I think it is better to await the conclusion of their labours, and the report that they shall make to the House—if they do report. Still, a general remark may be hazarded, that in the present state of our knowledge of the country in the neighbourhood of Fort Francis Lock, both to the east and west of it, it is impossible for any one to define what the resources of that region may be. There may be natural resources there—minerals, metals, phosphates, valuable timber, agricultural districts, and other things of which we have very little idea at present. And this view of the case is impressed the more strongly on my mind, because it was only a few days since I happened to be in one of the places of worship in this city, where I heard an address from the Bishop of Algoma who,

describing a region over which he had pastoral charge, said at one time it was considered almost worthless, from an agricultural point of view. But so much were people mistaken in their first impressions of it that it was now found there were large tracts of fertile land in that district which were being rapidly settled, and which were growing in wealth and importance. When I hear disinterested testimony of this kind from a quarter which cannot be charged with any disposition to exaggerate or misrepresent, I think, certainly, it is rather hasty on our part to assert, with reference to any half-explored territory through which we are about to run the Pacific Railway, that we may despair of finding any fertile lands for settlement or local traffic for that road. At all events, from anything that has yet transpired with regard to that country, I am not prepared to condemn any portion of it as thoroughly useless, but it will be time enough when such a result has been proven, to make the assertion that there will never be any local traffic for the Fort Francis Lock. It has been asked, with almost an air of disdain, why the Government bought those steel rails. They have been charged over and over again with a want of sincerity in the construction of the Pacific Railway, but I say, the purchase of those rails affords us a remarkable instance of the sincerity of the Government. It demonstrates clearly that they were bent on carrying out the construction of the road, if it were possible to do so, and the result only shows the uncertainty of human plans, as the Government expected to go on with that railway with the greatest dispatch possible, as soon as circumstances would permit of it. It is true that the great difficulties connected with the surveys have interfered with the laying down of those rails. We know very well it was found necessary, after building part of the line west of Prince Arthur's Landing, to abandon part of the route under contract leading to Lake Shebandowan, and deflect the line further north, in the direction of Savanne. Subsequently, some delays occurred from not finding a suitable route, and no one regrets the fact more than I do, that there should be an intervening section of 180 miles not yet under contract between English River and Rat Portage. I most heartily wish the finan-

cial circumstances of this country would permit of placing that intermediate section of the railway at once under contract. I say so, not only in the interests of the people of Manitoba and the North-West, but in the interests of emigrants who are going in there to settle in that country. I say so in the interests of the whole Dominion, as the necessity may arise any day, although we all hope that no such event will occur, which would require the sending of military aid to the central portion of our territory as we had to do on a previous occasion. It would be a most disastrous thing that we should be unprepared to send them any assistance that might be necessary, whether in the shape of armed men or supplies which might be required to promote the progress of that country. It is most important that we should be able to send them through our own territory with the least possible delay. Although the water stretches may be advantageously used for a few years, no doubt we must all look forward to the time when the all-rail route shall penetrate the wilderness between Lake Superior and the Red River. I do not see, myself, that any blame can be attached to the Government, or that they can be charged with remissness in this matter. It seems to me every exertion has been used to push on this great undertaking as rapidly as possible, and although those exertions have not been as successful as might be desired, we must recollect that, in the inception of an undertaking of this magnitude, time must be allowed before results become apparent. I think some allusions were made to the character of the work on that road. Of course, a nation like Canada, owning so fine a work as the Intercolonial Railway, would naturally feel some reluctance in descending from the stone and iron structures on that work to the wooden trestlework of the Pacific Railway. But I think we may trust the details of that question to the sagacity and experience of the engineers employed by the Government. In a general way it seems to me that engineers are by no means anxious to associate themselves with works that are not of a durable nature; on the contrary, their desire is to connect themselves with works of the most durable description; and unless they saw the ne-

cessity for using, in the first instance, wood in the place of stone and iron on the Pacific Railway, they would hardly be the parties to recommend it. I make those remarks specially, because I find, with regard to the route through British Columbia, that the estimates, to which I referred in the early part of my address, had been made upon the basis of the Intercolonial Railway. Everything in those estimates is calculated to be of the same materials as are employed on that structure: iron bridges and stone abutments of the same substantial character. Of course the outlay for these articles must be very materially reduced by the substitution of wood. But, for my part, I hope the more durable kind will be made use of. I feel, hon. gentlemen, that I have detained the House at considerable length, and, as I presume other hon. gentlemen wish to address you on this question, I therefore resume my seat.

Hon. Mr. MILLER—Although the resolution of the hon. member from Belleville has already elicited a very considerable discussion, yet, I consider the question which it involves is of such great importance, that no apology should be expected from any member of this House who desires to express his views with regard to it. The subject of the Canadian Pacific Railway is one that concerns interests of a character at once grave and national; the questions which it embraces are of such magnitude and importance to the people of this Dominion, that we can hardly give it too much consideration in this Legislature. We all admit that the prosperity and future greatness of this country depends to a large extent upon welding together, harmonizing and consolidating the elements of which this vast Confederation is composed; and we all concede, at the same time, that nothing can contribute so much towards that desirable object as the construction of our projected transcontinental railway. The heavy burthens which its construction necessarily entails on the tax-payers of this country is also a subject which engages the attention of the people, who are looking with a great deal of interest and anxiety to the adoption of such a policy with regard to that great undertaking as will save us from the heavy burthen of debt, which the policy of the present Govern-

Hon. Mr. Haythorne.

ment is likely to entail upon the country.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—The resolution of my hon. friend from Belleville contains a very clear and explicit proposition; that proposition is, that the present Government are expending large sums of money in connection with this great public work without any compensating advantages. The discussion so far elicited on that resolution has been almost exclusively confined to the question of the steel rails purchase and the alleged blunder—or something worse—of the Government in relation to that very interesting subject. Now, while I think the steel rails purchase is a matter which deserves all the attention that has been given to it, there are several other things which induce me to vote for the resolution before the House, and which I consider, it will be well to state as briefly as possible in justification of the vote which I intend to give. We all admit, it is not denied even by hon. gentleman on the opposite side, that the Canadian Pacific Railway, is indispensable for the consolidation of this Union—that without this railway it would be impossible to see such a country developed—such a nationality created as it is our desire to see established under British institutions on this continent, and, that without this railway, it would be impossible to look forward to the development of the immense resources which these Provinces contain, and on which the future greatness and welfare of the country depend. While admitting on both sides of this House the necessity for the construction of this railway, I regret to say that gentlemen on the opposite side lose no opportunity of taking every unfair advantage of their predecessors, by endeavoring to make political capital on a question which should be beyond the dishonest designs of party or of faction. They lose no opportunity of unfairly charging the late Government with the entire responsibility of the burden which this great public work necessarily imposes on the country. They invariably refer to the subject as one for which they have no right to be held responsible, and which is all due to the unwise arrangement entered into by their predecessors. Now, I say, however justifiable such a course would be, in regard to the details of the scheme

for building the Canadian Pacific Railway, it is not a fair course of argument for those hon. gentlemen to pursue, in regard to the undertaking itself, and if they did not pursue that unworthy course of argument, if they assumed their proper share of responsibility for the building of this great railway as one of the necessities of Confederation, without incessantly harking back on the alleged mismanagement and recklessness of the late Government, respecting the terms of Union with British Columbia, they would perhaps have received from gentlemen on this side of the House more lenient treatment, and less severe animadversion in respect to their own numerous mistakes, than they extend to them.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I would like to ask if the Liberal Conservative party in this country is the only party responsible for the inauguration of the policy whereby this Dominion has been burdened with the construction of the Pacific Railway? We all know that it is not so. We all know that the great Reform party of this country, through its leaders, and through its great organ—I might say something more than its organ, because the *Globe* newspaper is believed to inspire and control the policy of this Government, as we know it controlled the policy of that party when in opposition—we all know, I repeat, that the Reform party advocated the building of this railway when in opposition. What were the utterances of that journal, and the utterances of the Reform party when in opposition, with regard to the construction of the Pacific Railway? In the *Globe* of the 3rd February, 1871, some months before the terms of Union with British Columbia were submitted to Parliament, and some months before the bringing of that Province into this Confederation was definitely arranged, that paper contained a leading article on the question of the admission of the Pacific Province and the contemplated inter-oceanic railway. I wish to call the attention of the House to the strong expressions of the *Globe* on that occasion, and to contrast them with the subsequent course pursued by that journal, and the Reform party generally, with regard to the Pacific Railway. In February, 1871, referring to the contemplated admission

Hon. Mr. Miller.

of British Columbia into the Confederation, and the proposed terms of admission, the *Globe* used this strong language:

“The success of our Pacific Railway points to others being constructed, and renders them more than ever a necessity. People could do with none, in fact, better than they will allow themselves to believe they can do with one. Accordingly, a Northern Pacific is already in process of construction, and one through British Territory is a necessity if the new Dominion is to have anything like a fair chance of fulfilling its destiny, and developing its mighty and varied resources.”

Here is the declaration of that organ before the Government had been induced to enter into the terms which secured the addition of British Columbia to the Confederation; and it may be presumed that the Government of that day paid a great deal of respect to the utterances of the *Globe*, as reflecting the views of the party in opposition, with regard to the necessity for a Canadian Pacific Railway. But on that occasion we find the *Globe* further contended in refutation of the assertion that a Canadian road was impracticable, or unnecessary in consequence of its proximity to the Northern Pacific Railway, as follows:—

“A very cursory examination of the country to be traversed by the American road from the head waters of Lake Superior will show how fallacious all such arguments are, and how, not only the line through British territory may be carried through from strictly commercial considerations, but must be if British authority is to be maintained on this continent, and our new Dominion made practically as well as in theory a great fact.”

Here we have the organ of the gentlemen now in power maintaining that the construction of the Pacific Railway was a political and commercial necessity, in view of retaining British Columbia, and in order to prevent it from falling into the American Union; and that it was indispensable to our future prospects as a great nation, that we should assume the obligation of constructing this great work. With regard to that question, the *Globe* further contended, and properly so, that without a railway running through our great territory from the Atlantic to the Pacific, the Union of British Columbia with Canada would never be a reality, and without it the inevitable fate of the Pacific Province was annexation to the Republic.

This was the language then used by the organ of hon. gentlemen now on the Treasury Benches:—

“The connection of all that region with the eastern part of the Dominion would be merely nominal, and when the pear was once ripe, it would naturally fall, as from the first has been desired, into the lap of our very astute and enterprising cousins over the way.”

But further on in the same article we have stronger declarations still. Let me read the concluding paragraph of the *Globe's* editorial of 3rd February, 1871.

“Our neighbors know the value of the prize involved and are making gigantic efforts to secure it for themselves. Our rulers will be traitors to their country, and to British connection, if they lose a single season in making it practicable and convenient for settlers to go to Fort Garry through our own territory, and in putting things in a fair way for the Canadian Pacific Railway. It is a question not merely of convenience, but of national existence. It must be pushed through at whatever expense. We believe it can be so pushed through, not only without being a burden pecuniarily to Canada, but with an absolute profit in any point of view. Without such a line, a great British North America would turn out an unsubstantial dream; with it, and with ordinary prudence and wisdom on the part of her statesmen, it will be a great, a glorious and inevitable reality.”

Here is language, which, I venture to say, is stronger than any which has been uttered by the friends of the Pacific Railway on this side of the House, used by that great organ which reflects the opinions of the gentlemen now in power, which made them and could unmake them at any moment. I cannot see how that party, thus committed to the imperative necessity for building such a railway before the terms of Union were entered into, and which, no doubt, had a great deal of weight in inducing the gentlemen who were then at the head of the Administration, to agree to the conditions of Union, can now charge these gentlemen with being solely responsible for inaugurating the building of the Pacific Railway, as if it were one of their faults, and not, as was truly the case, the result of national necessity, clearly admitted and accepted, by both the great political parties into which this Dominion is divided.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. MILLER—Yet in the face of these facts, gentlemen on the other side of this House, have the assurance to speak

*Hon. Mr. Miller.*

of the Pacific Railway as if it were an unwise undertaking, forced on the country by the bad policy of the late Government, in which they had no hand, and which, if they had the power of undoing the past, they would not submit to. Admitting that the late Government had entered into a bad bargain with British Columbia, we all know that as soon as the gentlemen who now occupy the Treasury benches succeeded to power, they gave that Province clearly to understand that they would not hold themselves bound by the most important conditions of that bargain, at once set it aside, and went to work to devise other terms which would be acceptable to all parties interested. Therefore, as they refused to be bound by the terms of their predecessors, it does not lie in their mouths now to complain of the manner in which the late Government proposed to construct the railway, after they have repudiated the whole arrangement, and substituted in its place a scheme of their own.

Hon. gentlemen—Hear, hear.

Hon. Mr. MILLER—A great deal has been said from time to time as to the wisdom of the policy of the late Government with regard to this great undertaking; but I think the more this subject is discussed, and the more opportunity we have to consider it in the light of experience—and of such experience as the present Government have favored the country in connection with it—the more thoroughly convinced we must be that the policy of the late Government with regard to the Pacific Railway was a sound one, and the only policy which will ultimately be adopted in the construction of this great undertaking. What was the scheme of the late Government? The policy of the late Government was, to build this Railway by private companies, and not as a Government work, with the assistance of land grants and a liberal bonus in money. That scheme, it is well known, would have proved a success had it not been for the unfortunate political occurrences of 1873, to which I will not allude. It has been contended by the present Government, who were so largely responsible for those occurrences, that that project was impracticable; that it could not be carried

out; that no company could be induced to undertake the work on the terms offered, although it is well known, and is a matter of history, that, immediately after the legislation which enabled the Government to place the work under contract, had been adopted by Parliament, two of the most powerful companies that had ever been formed in this Dominion, were organized for the purpose of securing the charter for this work, and that either of them was willing to enter upon the undertaking in consideration of the subsidy offered—thirty millions of dollars and fifty millions of acres of land.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—These facts are matters of history. One of those companies was selected for the purpose of constructing the railway under the proposed terms, and how that company failed, and the reasons why it failed are well known to hon. gentlemen, and are also matters of history; but it was not in consequence of any intrinsic weakness in the scheme itself, for the fact is becoming more palpable every day, that the terms which were offered by the late Government would have been ample to induce a company to build the road with a fair prospect of profit to themselves. We do not want any further proof of the sufficiency of the aid proposed, than the knowledge of the fact, that the Northern Pacific Railway had realized, and were still realizing, for their lands, \$5 per acre. Our lands were at least as valuable, and in all probability the 50,000,000 of acres proposed to be granted under the Dominion charter, would build the railway even without the money subsidy of \$30,000,000, which the reserves of 50,000,000 of acres would more than doubly refund to the Dominion Treasury. I believe the Northern Pacific will yet work through in spite of its mistakes and mismanagement, on its land subsidy alone. I see the hon. Secretary of State shakes his head. I know there is a difference of opinion on that question, but I have recently seen statements which leave no doubt on my mind that ultimately the Northern Pacific Railway will be pushed through to its destination on the Pacific Coast.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—We know that  
*Hon. Mr. Miller.*

the land subsidy granted to that railway has proved to be exceedingly valuable; that lands along that route, which are no better than our prairie lands, have sold, as I have just said, at from five to six dollars an acre, and that the demand for them at that price has been on the increase, so that even without any money subsidy, by means of the land grant of the late Government alone, it is no longer a doubtful question that the Company undertaking the work would have had sufficient means to construct it out of the proceeds of those lands. Fifty millions of acres of land, even at the low price of three dollars an acre—which every one will admit is a low estimate for our rich prairie lands—would realize the enormous sum of \$150,000,000, and no one has placed the cost of building the Pacific Railway at anything beyond that figure. So it is clear, if the scheme of the late Government had been carried out, the road would have been constructed without costing the country a dollar beyond the subsidy which had been voted by Parliament. Then, in what position would the country be in regard to our actual money outlay? It can easily be seen that if the alternate blocks of land reserved by the Government on either side of the line had been given away by the Government at one dollar per acre, in order to induce settlers to go into the country, which would be a wise policy, the Dominion would have returned to it, through the sale of the reserved lands, nearly two dollars for every dollar advanced, thus proving the correctness of the *Globe's* assertion that the project was justifiable on purely commercial principles.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—It is all very well for hon. gentlemen who have seen the folly of departing from that scheme. to say now, when charged with their mistake, that Sir John Macdonald's scheme was impracticable, but why did they not give that policy a fair trial when they assumed office? With regard to the time limited for the completion of the work, although a great deal has been said about it, we all know that the ten years limit was not expected to be rigidly adhered to, and the delegates who negotiated the terms of Union on

behalf of British Columbia did not consider the period fixed to be absolutely binding on the Dominion. All that was expected of Canada was that we should proceed with the work honestly and earnestly, and if it took double the length of time contemplated, as long as we were acting in good faith, there would be no dissatisfaction. The people of British Columbia would not have found fault with the bargain if reasonable efforts were being used to fulfil its conditions. What the people of the Province and the rest of the Dominion have found fault with is that the road has not been, and is not being, pushed forward in good faith, and with a proper regard to the true interests of the Dominion. But hon. gentlemen must not forget that, although the period was limited to ten years, it made no difference to the people of Canada, because, under the scheme of the late Government, a company was to have constructed the road, and it was for the company who received the charter to complain that the time was too short, and no doubt that time would have been extended to any reasonable length if the company showed that they were progressing with the construction as rapidly as could be expected. The time limit was a wise provision, as it gave the Government a salutary check over the charter. It could not do any harm, and it would have enabled the Government of the day to exercise a control over the construction of the work that would have been beneficial in the interests of the country. As a company was easily found who would have undertaken the construction of the railway, even under that limit, I do not think it is any good cause of complaint against the late Government that they were over solicitous for the completion of our national highway. A great deal has been also said of the recklessness of the late Administration in attempting to build a railway across the continent without a survey. But under that scheme the company that undertook to construct the railway were also required to make the surveys, so that it was not necessary that the Government should have a survey made before the contract was awarded, which would have cost the country a large additional sum of money. It has also been charged that the Nanaimo

*Hon. Mr. Miller.*

and Esquimalt Branch, in regard to which several allusions have been made in this debate, was to be included in the scheme of the late Government. My hon. friend from British Columbia (Mr. Macdonald) in addressing the House the other day, said, that by an Order-in-Council the Esquimalt and Nanaimo Branch was made a portion of the Pacific Railway. I am not prepared to dispute the existence of that Order-in-Council. On the contrary, I believe there was such a Minute of Council; but under the scheme of the late Government it made no difference whether the road was 2,500 miles long or 3,000 miles long, they were to give a specific bonus of land and money for the construction of the road whatever its length might be, and it was all the better for the country if the Government could secure the construction of the railway on Vancouver Island and down to Esquimalt, for the same land grant and the same money subsidy that would have to be given for the line upon the main land only.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I have likewise heard it stated in this debate, and also on previous occasions, that it was a part of the policy of the late Government to build the Georgian Bay Branch as portion of the Pacific Railway. Admitting, however, that such was the case, for the same reason it made no difference if two or three hundred miles were added to the eastern terminus of the line, as the country were not called upon to pay anything additional for such extension; the Government was only committed to a specific sum wherever the terminal points might be placed, whether on Vancouver Island or the main land on the west, or whether at a point near Lake Nipissing or at the Kaministiquia on the east; therefore, it cannot be urged against the Government on these points that they contemplated imposing heavier burthens on the people of this country in connection with this work than are contemplated by the gentlemen who are now prosecuting it under another scheme.

Hon. Gentlemen—Hear, hear.

At this point (it being six o'clock) Mr. Miller moved the adjournment of the debate.

The motion was agreed to, and the House adjourned at 6 p. m.

## THE SENATE.

Wednesday, April 24th, 1878.

The SPEAKER took the chair at 3 o'clock, p. m.

After Routine proceedings.

## THE JUDICIARY OF NEW BRUNSWICK.

## ENQUIRY.

Hon. Mr. DEVER enquired :

" Whether it is the intention of the Government in the near future to add to or alter the Judiciary of New Brunswick so as to conform to the reasonable wishes of a large and highly respectable portion of the people of that Province."

He said:—This question leads up to the Judiciary of the Supreme Court of New Brunswick, a body of gentlemen I have the honor to know by more than reputation; many of its members I have been personally acquainted with for several years. They possess the confidence of the people of New Brunswick for their moral standing, their kindly disposition and their high legal and judicial attainments. They have the entire respect and confidence of the people, and there is a feeling that they should be considered by the Government, in salaries and position, equal to any Judges of similar Courts in other Provinces. While Judges of the Superior Courts in Ontario and Quebec receive \$5,000 each, the Judges of the Supreme Court of New Brunswick are paid only \$4,000, though their labour is quite as arduous as that of Judges in other Provinces, and their standing as gentlemen quite as difficult to maintain, inasmuch as the cost of living is quite as high in New Brunswick as in other parts of Canada. In connection with this subject, I may mention a case in which a large section of the people of New Brunswick feel that they have not been treated with proper consideration in the appointment of the judiciary in that Province. It is now understood that another Judge is to be appointed there, and I would call the attention of the Government to the claims of a gentleman (Mr. Watters) for the position. He is a man eminently qualified to fill the highest po-

Hon. Dr. Dever.

sition to which lawyers may aspire. He has held the office of Solicitor-General in New Brunswick for many years, and I and others cannot explain why his merits have been so long overlooked, unless it has been on sentimental or political grounds. To show the estimation in which he is held in his own Province by gentlemen of various shades of religious opinion, I may be permitted to read an extract from an article in a New Brunswick paper, written by a gentleman who is not of the same religious creed as that of Mr. Watters, a gentleman who once graced the pulpit of one of our Presbyterian Churches, and who now is a member of Parliament and the proprietor and editor of the leading newspaper of that Province. The extract is as follows:—

" The Hon. Chas. Watters was born on the 26th of November, 1818. He is a native of this city, and the son of worthy Irish parents. He received his education at the City Grammar School, where he distinguished himself particularly in the study of classics, for which he was awarded the Corporation Gold Medal. In 1840, he began the study of the law, in the office of Judge Richie, was admitted an attorney at Michaelmas 1845, and enrolled a Barrister in 1847. Since then he has been regularly engaged in the practice of his profession, in this city. In 1854 he offered for the representation of this county in the Legislature and was defeated. In November of the following year, the Hon. Francis Rice, of Victoria, having been elevated to the Legislative Council, Mr. Watters was elected to fill the vacancy thus occasioned. In 1856 a dissolution of the Assembly having taken place on the Liquor Law question, he was again returned for Victoria, and again in 1857, when the Chandler-Gray Government having come to a dead-lock in the Legislature, appealed to the people. In November, 1855, one month after his first election, he was called to a seat in the Executive, and was the first Roman Catholic in the Province who ever enjoyed that distinction. He was appointed Solicitor-General in July, 1857, and has held that office without interruption until the present time. In 1861 he and Mr. Tilley ran together on the Liberal ticket for the representation of St. John city, and were elected. Since he has been Solicitor-General, he has directed his efforts principally to the assimilating of our criminal law with that of England. Through his exertions the criminal code is now in an excellent state, being almost the same as the English law, so that in its execution, our Judges and legal men have the advantage of the criminal judgments of the English Bench. In 1862, Mr. Watters originated and carried a Bill for the abolishment of the death penalty, substituting other punishments for rape, arson, burglarious entry, &c., with intent to kill, by setting fire to ships, &c. Previous to this it was almost impossible to pro-

cure conviction for any of these offences, owing to the irrevocable character of the penalty. The Intercolonial Railway Act of 1863, the Militia Act, the Railway Facility Act of last Session, and various laws of a local nature, were all the production of his pen. In the Legislature Mr. Watters has been emphatically a working man. As a speaker he is at times both fluent and brilliant, understands human nature well, and usually puts a point very strongly. His temperament is sprightly, and his nature genial, and these have secured for him many warm personal friends."

I would be the very last to advocate the appointment of any man to a high judicial position merely on the ground of his religious faith, but, I think, on the other hand, the claims of a man of ability should not be ignored because of his creed. It is hardly right that a gentleman possessed of such qualifications, and who has held such a high position in New Brunswick as Mr. Watters has, should be overlooked so long, and it is from that standpoint I ask the Government, in making appointments to the Bench in New Brunswick, to give the claims of Mr. Watters and his friends that consideration to which they are fairly entitled.

Hon. Mr. SCOTT—If the hon. gentleman had given me some clue to what he proposed to bring before the House, I would have been prepared to answer him. His proposition was an enigma to me, when I looked at it first. Had he pointed his question in the direction of any one gentleman who, in his opinion, was not sufficiently remunerated, I should have been able to give him a more satisfactory answer. I quite concur in the encomiums which he has passed on Mr. Watters, but I am not aware that he is treated differently from other Judges of the same class in the Province of New Brunswick.

Hon. Mr. DEVER—I had reference to the Judges of the Supreme Court of New Brunswick, whose salaries are somewhat lower than those of Judges in similar Courts in Ontario and Quebec.

Hon. Mr. SCOTT—I understand the hon. gentleman to point to some particular case, and I think he read the biography of some judge. It was in reference to his encomiums of that judge that I expressed my approval. The hon. gentleman does not suppose it would be proper to give one judge a preference over others. I am unable to say that it is in contemplation—in

fact, it is not during the present Session, at all events, and that disposes of the question for the next year—to appoint any judge. A great deal of pressure has been brought to bear upon the Government from Ontario in reference to County Court Judges, many of whom do a great deal of work and are underpaid, according to their own estimation. Some counties have a population of fifty to sixty thousand people. In one case, where the population is fifty thousand, there is no junior judge, and the judge complains that he is underpaid, his salary being limited to \$2,400 a year. The judges in other Provinces have from time to time made remonstrances, but I have not heard any from New Brunswick until now. No doubt, if judges are appointed in other Provinces, New Brunswick will receive its proper attention from the Government; but at the present moment I am unable to say to my hon. friend that it is contemplated to make any change in the direction that is indicated.

Hon. Mr. DEVER—I had no reference at all to the salary of Mr. Watters. He is quite satisfied with it, inasmuch as it is the same salary as other judges of that rank in that Province are paid. I had reference to the salaries of the Supreme Court Judges of New Brunswick, who receive less than judges occupying similar positions in Ontario and Quebec. The only fault I had to find was that the claims of Mr. Watters to elevation to the Supreme Court had not been recognized. I contend that he would be an ornament to the highest Bench in New Brunswick. His claims have not been considered, in some way or other, in the manner that a large section of the people of New Brunswick have a right to expect. I hope they will be no longer overlooked, if other appointments are to be made to the Bench of New Brunswick.

Hon. Mr. MILLER—I regret that this subject has been brought before the House, in the way in which the hon. gentleman from St. John (Mr. Dever) introduced it, because for my own part I would sooner not bring sectarian complaints into this arena at all, but when they are brought here they should be boldly, fearlessly and honestly dealt with. The hon. member who makes the enquiry as well as the hon. Secretary of State,

both seem afraid of the subject; both appeared very anxious to avoid the real point involved; one is afraid to go as far as he wants to go, and the other is not willing to understand him even as far as he has gone. Now, I blame the hon. member from St. John, as he has brought this subject here, that he should be afraid to express what he thinks and feels regarding it, in such manner as would leave the hon. Secretary of State no pretext for saying he does not comprehend what his question or remarks mean. I am not afraid to express my views on this or any other question that comes before the House, and I shall not stop to ask whether my utterances may be pleasing or displeasing to some hon. gentlemen. I will tell the hon. Secretary of State what the hon. member from St. John desired to say: he desired to say that Judge Watters' religion was a barrier to his promotion in the Province of New Brunswick, and, I believe, there is much truth in that opinion. It cannot be denied that the Roman Catholics in all the Maritime Provinces have not fair play in the distribution of patronage—do not receive justice in regard to the honors or emoluments of public life—and do not stand on equal ground with their Protestant fellow-citizens in this respect in those Provinces. Conceal the matter as we may, there can be no doubt of the truth of these allegations—a Roman Catholic's creed in the small Protestant Provinces is a barrier to his success in public life, and a serious obstacle to his attaining any of its higher distinctions. This is no less true, although there may be an exception to the general rule—although it may not have been politic or possible to ignore the body altogether—and in one instance a high office is held by a representative of the Maritime minority; but that is an office belonging to the Dominion, and the giving of it to that gentleman was not due to the liberality of the majority in the Maritime Provinces, but to the justice of the whole Dominion. That act of justice was done too, to compensate for the intolerance of this party, in denying to the Roman Catholic minority in the lower Provinces a single seat in the present Government. Under the present Government we have been treated from the outset with the greatest contempt and injustice, for which the day of

*Hon. Mr. Miller.*

reckoning is not far distant. The Roman Catholics are very nearly one-third of the population of the Maritime Provinces; they comprise 241,000 out of a population of about 750,000. These Provinces have never had less than four representatives in the Cabinet since the present party has been in power, and for a while they had five seats at the Council Board, but no place could be found for a representative of the proscribed minority at that Board. Is it fair, with four or five seats in the Government at the disposal of the Premier, not to find a place for a representative of one-third of the people in the position above all others in which it is most essential that there should be representation? The want of such representation has been too evident in the distribution of patronage under the present Government. I do not deny that some of the lower class of offices have been given to Roman Catholics in the Maritime Provinces within the last few years, but for the higher offices and distinctions, as a general rule the minority are not considered as on an equal footing. There seems to be an understanding not openly expressed, but secretly acted on, that outside of the lowest grades of patronage Roman Catholics are to be quietly ignored. This is the conviction at any rate among a large body of that denomination, and it is well that the whole Dominion should know it. Let me give the House two illustrations. A year or two ago, it became necessary to divide the Province of Nova Scotia into nine districts for the purposes of the Weights and Measures Act. Nine Inspectors were appointed for the Province, but not a single Catholic was appointed in any one of these sections, although many of them were Catholic sections. These selections were of such a character that the proscription must have been intended—it could hardly be accidental. Then in 1876, the Province was divided into seven districts for the establishment of County Courts in Nova Scotia, and seven Protestant Judges were appointed for these Courts. In each of the two eastern districts, including six counties, the Roman Catholics form a majority of the population, and no objection should have been made to placing Roman Catholic Judges in these districts. It is no answer that one of these positions was offered to a Roman Catholic, who, it

was known, would not accept it. There were suitable men belonging to that body that would have been pleased to obtain the appointment, but they were passed over. It could not be said that the Roman Catholics had already a fair representation in the judiciary, for out of fifteen Dominion Judges for Nova Scotia, they have only one, while they number 102,000 to 282,000 of all other denominations, and that small instalment of justice they owe to Sir John Macdonald. In New Brunswick the minority form over one-third of the whole population, and out of eleven Dominion Judges they possess but one County Court Judgeship, which they also received from the late Government. In Prince Edward Island the Catholic minority is nearly one-half the population, and out of six Judges they have one inferior appointment, for which they have also to thank Sir John Macdonald. Until Confederation we never had any representation on the Bench, and the little we have received since was at the hands of the late Government, which made a beginning at least in rectifying the unjust state of things that had so long prevailed in that quarter. Since the present Government have been in power they have made ten appointments to the Bench in Nova Scotia alone, three or four in New Brunswick and two or three in Prince Edward Island, but in every appointment they have disgracefully ignored the rights of the minority. They appear to have lent themselves to the old policy of proscription that was so rigidly enforced in the past against us. I must not be understood as claiming appointments for Catholics on account of their religion. What I contend I have a right to denounce, if I believe it to be true (and I do believe it to be true) under this Government, is that being a Roman Catholic in the Maritime Provinces is a barrier in the road of any one of that ignored class in regard to their fair share of distinction and public patronage. It is especially true with regard to the higher offices of the State, such as those I have been alluding to. How differently are things done in the Catholic Province of Quebec? The Protestant minority there is 170,000, or only one-seventh of the whole population, but no party would think of forming a Government for this Dominion without

giving that minority a representative therein out of the four seats that Quebec has in the Cabinet. And, considering the large representation of the Maritime section in the Government in proportion to population, it is much easier to do justice there to the minority, and with less cause of complaint to the majority, than in the Province of Quebec. So in all the branches of the public service—on the Bench, in the Commons, in the Senate the Protestant minority of Quebec has double the share of power and patronage that its mere numerical strength would entitle it to. I do not mention these facts to find fault with them, but to show how differently the Protestant minority of Quebec is treated from the Catholic minority in the small Protestant Provinces. I am glad that the treatment of the Quebec minority is not only just but liberal. I believe, if any injustice were attempted towards the Protestant minority of Quebec the majority of Ontario would not look passively on and permit it. So the Roman Catholic majority of Quebec should not look with indifference on the injustice being practised towards the Roman Catholic minority in the Maritime Provinces.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—In the days of Sir George Cartier that minority had a just friend, who would not allow their fair claims to be ignored, and in those days Sir Edward Kenny and Mr. Hugh McDonald had seats in the Dominion Cabinet as representatives of their class. Sir George Cartier was a statesman who believed in doing justice, not only to his own people, but to all classes. The French representatives in the present Cabinet do not even seem to care for their own countrymen—they are too busy in thinking of themselves; and it is no wonder that they do not trouble themselves to see justice done to the minority in the small Protestant Provinces. But there is some consolation in the thought that, although a Grit Government with a large majority in Parliament has been able to ignore the rights and claims of the Roman Catholic minority in the Maritime Provinces during the past five years, have treated us as mere hewers of wood and drawers of water in the political order; although, for a short time

Hon. Mr. Miller.

they have been enabled by their great strength in Parliament to treat us with contemptuous injustice, they cannot in the approaching elections so boldly disregard our power. They would like (in fact, all parties like very well) to get our votes, but when our votes are once recorded, it seems as if we had no other purpose to serve. If it must be so, let it be so, but I shall not hesitate at all times to denounce the hypocrisy and injustice of men who, professing liberality and fair play, are, in truth, intolerant bigots, and disposed in deed, if not in words, to place the iron heel of intolerance and proscription wherever they have the power to do it, on the class to which I belong. The Catholics of the Maritime Provinces will not forget Grit proscription at the coming elections; and if any party venture to act in the same way in the future, it will not receive my approval. I repeat, I desire to make no claims for Roman Catholics on account of their religion. All I ask is, that their religion shall not be an obstruction to fair consideration in the distinctions of public life. I know Catholics have little chance unless they can show they have power and numbers, which alone command respect in such matters. They ask that when they possess the requisite qualifications for the public service, it should not be objected to give them office in proportion to their numerical strength; they do not ask it on account of their religion, but they will not be satisfied to find themselves treated differently from other denominations, and remain quiet under the injustice. I regret to be called on to refer to this subject in this Chamber, or out of it, but I feel I cannot say less on the present occasion, as other parties have brought the question before the House. It involves a grievance that I am not afraid to touch, however desirous the friends and apologists of the Government may be to palliate an injustice that is undeniable. I have no interest to serve by agitating the matter, as the man who denounces a wrong such as I am pointing out, is the last one who can expect to benefit from its redress. But I am satisfied, if I obtain justice for others; I want no consideration for myself. It is because I could not be supposed to have any personal ends to serve—because I am in opposition to the Government—that I speak as freely as I do,

and in language that their supporters dare not use. But the Government have some partizans who are prepared to approve the most flagrant injustice they can perpetrate towards the Roman Catholic minority in the Maritime Provinces. Perhaps, it is hard to expect anything else from some of their champions considering their personal obligations. The wrong that is at the bottom of all the unfair treatment of the minority in the Lower Provinces, is that which exists in depriving one-third of the population of any representation in the Government to advocate their interests and watch over their rights. This wrong is at the foundation of all the others, and I can never support a Government that perpetrates it, neither should the Catholics of Quebec support any Government that treats their co-religionists in the Protestant Provinces with injustice. Is it fair that, with nearly half the population of the Dominion belonging to that denomination, there should only be four Catholics in a Cabinet of thirteen members? or that the Catholics of Nova Scotia New Brunswick and Prince Edward Island should be denied all representation whatever? It is a mockery of fair play, and a strange commentary on the boasted liberality of some people, and the equality of all classes in this country. The equality only exists in name; practically, it has no existence at all in some portions of this Dominion. I again repudiate the idea of claiming political consideration for Roman Catholics on account of their religion, that is not at all my desire—but I wish to show that that large body is, for some reason or other, deprived of its just share of public position and patronage in the section from which I come, and, deny it as much as you please, the only reason that Roman Catholics can believe to be at the bottom of the wrongs they suffer, is their obnoxious creed. That is the feeling, at any rate, among a large class of the people in this country, and I am sorry that facts give it so much confirmation. The present Government have done much, by their systematic neglect of their Catholic supporters, to strengthen this belief; they have shown their true colors by taking advantage of their great strength after the last elections, to inaugurate a policy of proscription, instead

of using it to do justice to all classes. The next election, when the people will be called to pass judgment on the manner in which they have exercised the power vested in them, is near at hand, and I have no doubt the minority in the Maritime Provinces will give fitting expression to their opinion of the treatment they have received from the great Liberal party of Canada.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT said he was sorry his hon. friend spoke with such warmth on this subject, because he thought it unfortunate it should be discussed in this way in the Senate. It was unseemly and not in good taste. The minority was too strong a body in this Dominion to be ignored, and he emphatically denied that it had been ignored by this Government. It was the first time he had ever heard it said that the claims of the minority had been ignored by this Administration. It was a melancholy fact that these observations should apply to Ontario, but it was entirely due to other causes, than those to which the hon. gentleman had chosen to ascribe it. It was due, he believed, to the absence of gentlemen suitable for the position in the minority class—to, the fact that they did not seek the higher walks at the bar in the same proportion to their numbers that other classes did. It could not be denied that the minority in Ontario was very powerful, that it had influence, not only in the Local Legislature, but also in the Government of Canada; that it was very largely courted and its claims were recognized, and that in all other appointments it had no cause of complaint. He could prove that in the distribution of patronage, the minority class had had its fair share. He had never heard the question of creed raised in making appointments under the Weights and Measures Act. They had been made in the usual way, on the recommendation of supporters of the Government in the other House. If any class of the population were overlooked, they had the weapon in their own hands. The hon. Senator from Arichat was not justified in drawing such conclusions as he had presented to the House. No doubt he had spoken not for the Senate, but for those he desired to influence in Nova Scotia. Of course the hon. gentleman had a perfect

Hon. Mr. Miller.

right to do so, but it was not a happy discussion for the Senate to embark in, and it was unfair to spring it upon the House without warning. It was necessarily to him (Mr. Scott) a very tender point. He had some familiarity with the whole subject during the last twenty or twenty-five years, and, therefore, he was in a position to speak upon it, if he desired to do so, at length. He had no impression that the motion pointed to anything of the kind; it was a sort of a puzzle to him until it was explained by the hon. Senator. In regard to Judge Watters, he had been appointed a County Court Judge at \$2,600 a year, and subsequently, when an opportunity occurred to give him an additional office, he had been appointed a Judge of the Admiralty Court, because it was felt his abilities entitled him to the position. That added \$600 to his salary.

Hon. Mr. MILLER said the only three Roman Catholic Judges in the Maritime Provinces had been appointed by the late Government.

Hon. Mr. SCOTT—Mr. Watters was appointed to the Admiralty Court last year.

Hon. Mr. DEVER said the hon. Secretary of State had observed that no appointments had been made in the Province of New Brunswick since this Government came into power, but if he remembered rightly, the Supreme Court Judges were all appointed by this Administration. He held that no man should be appointed to the Bench, no matter what his creed was, unless he was fitted for the position. Every one who was acquainted with Judge Watters knew he was a man of ability and thoroughly qualified for the position.

Hon. Mr. POWER said he thought that it was to be regretted they should have a discussion of this kind in this Chamber, and particularly that such temper should have been imported into it as had been manifested by the hon. gentleman from Richmond. Religion should be kept out of politics as much as possible, and he thought before a charge of the exclusion of any body from any position in consequence of their religious belief should be brought before the Legislature, very convincing proof should be produced that that denomination were be-

ing dealt with in an unfair manner. Looking at the present position of public affairs in the Dominion, that could be hardly said of the Roman Catholic body. In Ontario, the Lieutenant Governor, who was appointed by the present Government, was a Roman Catholic.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. POWER—Mr. Frazer, one of the most influential members of the Ontario Cabinet, was also a Roman Catholic, and he thought that hereafter the Roman Catholics would continue to have the same representation in Protestant Ontario which the Protestant minority had in the Cabinet of Quebec. The Lieutenant-Governor of Manitoba, lately appointed by the present Government, was also a Roman Catholic. It did not therefore, seem as though the Roman Catholic interests had been neglected in the western part of the Dominion. Then as to the Lower Provinces, which the hon. gentlemen opposite deemed to have been marked by an utter neglect of the claims of the Roman Catholics; on looking into the matter, it would be found that those hon. gentlemen were somewhat mistaken. For instance, the position of Speaker of the House of Commons, one of the most honorable positions in the country, was now filled by perhaps the ablest and most distinguished Irish Roman Catholic in the Dominion. The Hon. Mr. Anglin's election to his present office certainly showed that the majority of the House of Commons had no disposition to proscribe Catholics. It was true that no Roman Catholic Judge had been appointed in Nova Scotia since the present Government came into power, but the reason for that was not very difficult to find. The last appointment made to the Supreme Court of that Province by the late Government, before they went out of power, was a Roman Catholic one, and it was not to be expected that the next appointment would be a gentleman from the same denomination. As the hon. Secretary of State had said, in these matters due regard must be had to other things besides religion—the qualifications of the individual had to be looked at apart from religion altogether. Judge Smith, who had been appointed because he was Attorney-General of the Province, had given unusual satisfaction to the bar of the Prov-

*Hon. Mr. Power.*

ince, and to suitors as well. Out of the seven Judges of the Supreme Court of Nova Scotia, there was not one Presbyterian, and there was a good deal of feeling on the part of that body, who were as numerous as the Catholics, because they had no representative on the Bench.

Hon. Mr. MILLER—There was Sir William Young. And what of Judge Henry?

Hon. Mr. POWER said Sir William Young was probably about retiring from the Bench. The seven County Court Judges who had been appointed, had been elevated to the Bench upon the recommendation of the Nova Scotia members of the House of Commons. There was a very fair representation of the Roman Catholics of Nova Scotia in that House, and, if they had considered that their interests required it, they might have had co-religionists of their own appointed. In fact, he understood that the position had been offered to two Roman Catholics, who both declined to accept it; so it could hardly be said that their claims were not recognized. It would also be found that, since the present Government came into power, a very fair proportion of the public appointments in Nova Scotia had been given to gentlemen whose creed was now said to be proscribed. One of the best offices in Nova Scotia, that of Warden of the Penitentiary, was given to Mr. Flinn, a Roman Catholic. Then, when a vacancy occurred in the office of Superintendent of the Intercolonial Railway at Halifax, a Roman Catholic, Mr. Macdonald, had been appointed to it. That did not look as though the present Government had ignored the claims of his co-religionists. The new Superintendent of the Provincial Insane Asylum, and the Provincial Engineer of Nova Scotia, who had been appointed a year or two ago by the Local Government, were also Roman Catholics. Those names had occurred to him on very little reflection; and other instances could be cited if the matter were looked into, to prove that the Roman Catholics had not been ignored by the party now in power. If there was a gentleman of that denomination who was in harmony with the party in power for the time being, who was better qualified than gentlemen of any other denominations, for a seat in the Govern-

ment, he presumed that he should be appointed, on account of his superior qualifications; but, apart from that, the question of religion should not be introduced at all. As long as the Roman Catholics of the Lower Provinces felt that they were receiving moderately fair play, it did not make much difference whether they were represented in the Cabinet or not.

Hon. Mr. DEVER said the hon. gentleman had no right to speak for the people of New Brunswick.

Hon. Mr. McCLELAN said he had not supposed that this question of religion would have been imported into this discussion at all, but when the hon. gentleman from St. John said he spoke for the people of New Brunswick, he had overlooked the claims of a very numerous class to whom he had not alluded at all. He (Mr. McClelan) never knew before that it was the intention of hon. gentlemen opposite that religious tenets should constitute in part the qualification of candidates for the judiciary. There was a very large and influential sect in New Brunswick, the Wesleyan Methodists, who were not represented on the Bench of the Supreme Court at all. There were also the Baptists, another large and very respectable body, amongst whom were gentlemen well qualified from their legal standing and respectability to occupy the very highest positions, yet, they had not a single representative on the Bench of New Brunswick, and yet he had heard no complaints, and such never occurred to him before; but when the hon. gentleman (Mr. Dever) had brought up this question, and discussed it in the way he had done, claiming that certain persons should have been appointed to the Supreme Court because of their religious principles, he naturally called forth the claims of other religious bodies to the same privileges.

Hon. Mr. DEVER—I did not say so. I was speaking for those for whom I have a right to speak, and for gentlemen who are not bigots.

Hon. Mr. McCLELAN—With regard to Judge Watters, he had been appointed before Confederation, and he was a gentleman he had known for a long time. He was a man of good attainments, and there had never been any disposition shown to exclude him from any position

*Hon. Mr. Power.*

to which he was entitled. In addition to his salary as Judge of the County Court, he had been drawing a salary for another appointment, which he had received not long ago from this Government, and, no doubt, when any vacancy should occur in the Province, his legal abilities and qualifications would not be overlooked. But if a man's religious convictions were to be made a test of his qualification as a candidate for a public office, it would lead to endless difficulties. Instead of a mere inquiry followed by such a strange discussion as this, it would have been more pertinent had the hon. gentleman from St. John, from his standpoint, proposed a resolution leading to a sort of ecclesiastical tribunal, before whom all candidates for office should be examined, and their denominational peculiarities fully tested, in order to determine their fitness. He (Mr. McClelan) was not fully aware, at this moment, to what church the hon. member (Mr. Dever) himself belonged, and he (Mr. McClelan) confessed he had not, to this time, taken much interest in such a matter. A new idea seemed now to be promulgated, and the acknowledged principle of the Liberal party, namely, to ignore no man's claims because of his religion, was to be repudiated.

Hon. Mr. MILLER—I did not speak of applying any religious test.

Hon. Mr. McCLELAN—I have referred to the inference which must clearly be drawn from the remarks of hon. members.

Hon. Mr. MILLER said he thought he had made himself sufficiently clear, that he did not desire to put forward any claims for Roman Catholics on account of their creed, but what he contended was that their creed should not be an obstacle to their just consideration. The hon. gentleman (Mr. McClelan) could not have misunderstood him, but with a want of candour that was characteristic of the party he belonged to in New Brunswick, he tried to put a wrong construction on his (Mr. Miller's) words, and even put words in his mouth he had never uttered. That was a style of argument, quite satisfactory to bigots and proscriptionists, by which the claims of the Catholics were treated in the Province of New Brunswick and elsewhere. When that was the

conduct openly pursued, they could readily conjecture what would be the policy advocated in the secret conclaves of bigotry and proscription. He left the House to judge what sort of justice the minority of his Province would be likely to receive from such a man as the hon. member from Hopewell.

Hon. Mr. KAULBACH said he was wholly unprepared for the range this debate had taken. Yet he desired to avail himself of this favorable opportunity, to call the attention of the Government to the position of the Judge of the County Court of Halifax, in hopes that some consideration would yet be given to his case. He was known to every member of the Bar in Nova Scotia, and the public generally, as prompt, painstaking, and indefatigable in his duties, a man of large experience in his profession, a great success as a judge, and as such, having given great satisfaction in that district. His duties were, to say the least, as heavy as those of the Supreme Court Judges, while his salary was much smaller. It was evident that the Government had thus far failed to do him justice. His salary was not at all commensurate to the work he performed. He tried causes out of term, and had monthly chambers at which intricate questions often arose for adjudication, increased by the insolvent business. It was evident and strongly expressed by the Bar, that his salary was wholly inadequate to the work he did, and the great and responsible duties he performed. It must be remembered that he had no one to assist or share with him in his responsibilities and his labors. He had not the assistance and relief of a jury to determine the facts of the cases brought before him. He must judge and determine on the facts as well as the law in every case; and it was acknowledged by the Bar that his decisions gave general satisfaction. There was but one opinion in the profession, and that was that his salary should be increased. If called on, the Bar of Nova Scotia, he (Mr. Kaulbach) was sure would unanimously solicit an increase of his salary to \$4,000. The Government should be commended for having made choice of so able a man to fill an office of such great importance and responsibility; although it was doubtful at the time whether that gentleman would accept the office with such an inadequate salary; but

*Hon. Mr. Miller*

it was believed at the time that the salary would be increased. Otherwise it was doubtful whether he would have accepted the appointment. That he was inadequately paid for the responsible duties that devolved upon him the Government must admit, and he regretted that they had not thought proper to recognize his services in a proper manner. He had before him a memorandum of the business brought before that Judge last year, which was as follows:—

Number of summonses issued . . .	2,074
“ judgments by default . . .	647
“ days sitting for trial . . .	95
“ Chamber applications . . .	489
“ applications in term . . .	119

In the Insolvent Court the number of attachments issued in the same year was 87, and the number of applications to the Court or Judge were 75. In civil suits the most of the actions were brought in his Court, and this could readily be accounted for as the Court had exclusive jurisdiction in actions of tort to \$200, and in other civil suits to the amount of \$400; and it must not be lost sight of that the Judge had no emoluments or fees outside his salary. This was a case worthy of the attention of the Government, and he hoped they would no longer delay looking into the matter and do justice. He did not intend to say anything on the question that had been raised by his hon. friend from St. John, but there was a strong feeling in Nova Scotia in favour of the views of his hon. friend from Arichat, not only among the body to whom he had referred, but among Protestants. It was remarked no denomination should be proscribed on account of their religion; and it was well that the Government should be made to understand it. The hon. member from Hopewell did not fairly meet the plain remarks of the hon. gentleman from Arichat, who had not claimed appointments on the score of religion, but simply showed how unfairly his co-religionists in the Lower Provinces were treated. He did not claim any rights on religious grounds, but simply that so large and influential a body should not with impunity be proscribed on account of their religion. As for the remarks of the hon. member for Halifax, they seemed to surprise nobody. He had assumed the role

of Government advocate on all occasions and under all circumstances, and it mattered not whether the best interests of his Province or of Halifax were sacrificed, he was bound to stand by the Government. To-day he had gone yet further, and had even commended and supported the Government in a course which the hon. member from Arichat had so manfully contended was a flagrant injustice to his co-religionists, who asked no favours, but simply demanded that their religion should not be treated as a barrier to office.

**BILLS INTRODUCED.**

**FIRST READINGS.**

The following Bills from the Commons were introduced, and read the first time.

Bill—"An Act to make provision for the winding up of Insolvent Incorporated Fire and Marine Insurance Companies."

Bill—"An Act further securing the Independence of Parliament."

**PETITION FOR A PRIVATE BILL.**

**REFUSED.**

Hon. Mr. GIRARD asked leave to present a petition from Ferdinand MacCulloch and others, of the City of Montreal, praying for a Private Bill.

Hon. Mr. MILLER said, as Chairman of the Private Bills Committee, he felt it his duty to protest against any petitions for Private Bills being received at this late period of the Session.

Hon. Mr. CAMPBELL said there was no doubt it would be establishing a very bad precedent if it were allowed in this case. It was desirable that they should observe their rules and not allow people to apply for Bills at such a late period of the Session.

Hon. Mr. GIRARD said he merely desired to have the petition laid on the table for the present.

The petition was laid on the table.  
Hon. Mr. Kaulbach.

**PENITENTIARY ACT (1875) AMENDMENT BILL.**

**THIRD READING.**

Hon. Mr. PELLETIER moved the third reading of Bill (69), "An Act to amend section sixty-eight of the Penitentiary Act of 1875."

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

**HOMESTEAD EXEMPTIONS ESTATES BILL.**

**THIRD READING.**

Hon. Mr. SCOTT moved the House into Committee of the Whole on Bill (44), An Act to amend the Act intituled: "An Act to provide for the creation and registration of Homestead Exemption Estates in the Territories of Canada."

In the Committee, Hon. Mr. Hamilton (Kingston) in the Chair.

On the 2nd clause, "Duration and amount of homestead exemption,"

Hon. Mr. DICKEY asked if the attention of the hon. Secretary of State had been called to the power of this House to pass this legislation?

Hon. Mr. SCOTT said so far as the territories were concerned, it was within their power.

Hon. Mr. DICKEY said there might be a doubt on that point. They should look forward to the time when the territories would become Provinces, and they would have to consider what effect this measure would have upon the future legislation of these Provinces.

Hon. Mr. SCOTT said the moment the territories were organized into Provinces, and Local Legislatures were established, they had the power to repeal this law, but they could not disturb anything that might be done under this legislation until it was repealed.

The clause was agreed to.

On the 5th clause: "How homestead in fee simple shall go on decease of the owner."

Hon. Mr. AIKINS called attention to

the fact that the provisions of this clause did not extend to grandchildren.

Hon. Mr. SCOTT said if the child died leaving children, the same homestead protection would be extended to them during their minority.

After some further discussion the clause was agreed to. The remaining clauses having been agreed to, the Bill was reported without amendment, read the third time and passed.

## AUDITING OF PUBLIC ACCOUNTS BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (53), "An Act to provide for the better Auditing of the Public Accounts." He said the object of the Bill would be understood from the title, and it was largely a transcript of the present law. The new feature of it was to make the Auditor-General independent of the Government, holding office in the same way as a Judge, subject to be removed only by Parliament. The Bill was somewhat affected by the rejection of the Bill respecting the Receiver-General's office, still it was possible to make such changes in it, in committee, as to make it workable in the absence of the other Bill.

Hon. Mr. CAMPBELL said he had thought when the Bill was first laid upon the table that it was so dependent upon the Bill that had been rejected that it would be necessary to postpone it also, but on examining it he had found it could be so altered as to make it operative. Most of its provisions were adapted to the circumstances of this country, and by going carefully through it and eliminating from it those features which were dependent upon the changes provided for in the other Bill, he believed it would conduce to more careful auditing of the Public Accounts than they yet had in Canada.

Hon. Mr. DICKEY said the principle of the Bill was one that must commend itself to the favorable consideration of the House, providing as it did for a check upon the public expenditure independent of the Government of the day. The Bill should be very carefully looked into however, in order that no question should

*Hon. Mr. Aikins.*

arise hereafter that would require its revision.

Hon. Mr. SCOTT said the Bill as it now stood, recognized the abolition of the Receiver-General's office; it would have to be altered, to conform to the existing condition of things, the Bill for the abolition of that office having been rejected.

Hon. Mr. WILMOT considered this was a Bill in the right direction, as it would bring the Auditor-General in direct contact with the Public Accounts' Committee, and render him independent of the Government of the day.

The Bill was read the second time.

## PRISONERS' SURETIES BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of the Bill (73) "An Act respecting persons imprisoned in default of giving sureties to keep the peace." He said the necessity for this Bill had been pressed on public attention by the Judges and by the Attorney-General, to meet cases with which hon. gentlemen who were of the legal profession must be familiar. For instance, where parties had been bound over to keep the peace, and could not secure bail within the limited time, the Court had to direct them to be imprisoned in default of this security. This Bill was to give to County Court Judges, and corresponding Judges in other portions of the Dominion, authority to interfere after a fortnight, due notice having been given to the plaintiff, and decide whether it was a case in which he was justified in giving the party who was unable to find bail, his liberty.

Hon. Mr. KAULBACH said he quite approved of the Bill, as he had experienced the necessity for legislation of this kind in his own practice.

The Bill was read the second time.

## CONSTRUCTION OF THE PACIFIC RAILWAY.

### THE DEBATE CONTINUED.

The Order of the Day having been called for resuming the adjourned debate on the Hon. Mr. Read's motion—

"To resolve, That this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway, involves the expenditure of enormous sums of public money without any corresponding beneficial results."

Hon. Mr. MILLER said—When the debate was adjourned yesterday, I was endeavoring to show to the House that the present Government, or the party which holds power at the present time in this country, was at the inauguration of the scheme for the annexation of British Columbia to this Dominion, as much in favor of the construction of the Pacific Railway as the party which then held power, the only question of difference between them being with regard to the terms upon which this great work had been undertaken. I took the trouble to refer to the opinions enunciated by the leading organ of the then Opposition—the *Toronto Globe*—in which the most emphatic declaration had been made that the Government of the day would have been traitors to their trust if they had not pushed forward this undertaking immediately and at whatever cost.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—When the question, however, came to be a practical one, those gentlemen exhibited their usual tactics, and factiously opposed the measure when it was submitted to Parliament by their opponents. Still on the general principle involving the necessity for an interoceanic railway—on the absolute necessity of binding those colonies together by a transcontinental railway—they did not venture to attack the position of their opponents. The party in Opposition at that time, it is true, divided on several resolutions opposing the terms upon which it had been proposed to construct the Pacific Railway, but that does not justify the course which they have invariably adopted since, in view of their endorsement of the principle of constructing that road, of charging the late Government with having been the sole cause of placing upon the people of this country the heavy burthen that is now being incurred under the blundering course the present Government is pursuing in regard to the construction of that great highway. Not only were both the great political parties unanimous with

Hon. Mr. Miller.

regard to the necessity of constructing the Pacific Railway, but in 1872, when the people were appealed to, after the completion of the treaty with British Columbia, the terms of Union were not made a charge against the Government of Sir John Macdonald. The Reform party did not venture to go to the country on such an issue. They did not then venture to condemn, as some of their party now do, the construction of the Pacific Railway, or, if they did, we all know the electors of the whole Dominion pronounced a verdict against them. In the Maritime Provinces where, if anywhere, a sectional feeling might easily have been excited against the Government, in consequence of the large expenditure which it was admitted would be necessary to construct the railway, we are well aware that in the elections of 1872, the late Government were sustained by a handsome majority. In Nova Scotia, after the scheme of Union with British Columbia, only one man was elected at the next general election who was not a supporter of the then Government, and he was returned as an independent member. Such was the result of the appeal to the people after the terms of the Union with British Columbia were completed.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—It suits hon. gentlemen opposite to condemn those terms at the present day, and they lose no opportunity to frighten people with reference to the burden the construction of this railroad is likely to place upon them—and certainly we must admit, if it is to be constructed in the manner proposed by the present Government, it will before long impose a debt on this country that it will be impossible for us to bear, and the end of their wild career may be national bankruptcy. But, I believe, and the signs of the times indicate that the belief is well founded, the present Government will be driven from office, and a Government with a wiser policy and higher statesmanship will be placed in power to deal with this and other important questions, in a manner calculated to promote the welfare and prosperity of this Dominion, as soon as the people are permitted to speak their views at the polls.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—It must also be remembered that after the terms of Union with British Columbia had been agreed to by Canada, the Province of Prince Edward Island came into the Confederation, knowing very well the nature of the undertaking to which the Dominion was committed. Could any better proofs be adduced that the late Government had correctly interpreted the wish of the whole Dominion in providing for the early completion of our national highway? I say then, the tactics pursued by the present Government since they have been in office, have been most unfair, when all parties in this country look upon the Pacific Railway as indispensable to the autonomy of the Dominion. It is especially essential, if we are ever to settle the great prairie country in the North-West, and convert it into thriving and prosperous provinces. I therefore charge it as the most flagrant dishonesty and hypocrisy on the part of gentlemen opposite, to be continually dinning into the ears of the people of this country that the Conservative party are alone responsible for the burdens which must necessarily be assumed by the country in the construction of this great undertaking. I say there is not in their career, marked and chequered as it has been with political dishonesty, one single instance of disingenuousness more signal than that of misleading the country to suppose the late Government were alone responsible—and without any necessity for embarking in the scheme—for having legislated in such a way as to require this country to construct an inter-oceanic railway. I say it is high time that hon. gentlemen should cease this untruthful mode of attack, and this species of warfare in opposition to their own record and real sentiments. I was sorry to hear my hon. friend the Secretary of State, starting this as the very key note of his address when he rose to answer my hon. friend from Belleville at the commencement of this debate. The Secretary of State started with the piteous whine that in consequence of the acts of their predecessors, the country was called upon to build the Pacific Railway, when he knew it was as well the policy of his own party before they came into power, and they dare not to-day repudiate that policy.

Hon. Gentlemen—Hear, hear.

*Hon. Mr. Miller.*

Hon. Mr. MILLER—My hon. friend considers it consistent with what he owes to the intelligence of this House to come before us and open his reply to the practical, common-sense address of the hon. Senator from Belleville, with a doleful lamentation, that it was simply the folly of the late Government that involved the country in this great undertaking. I have shown that the policy of the late Government, with regard to this question, was a wise one, and if it had been adhered to, it would have been fortunate for this Dominion. I believe we have suffered no greater calamity in this country than by the frustration of that policy by untoward events.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—If it had not been frustrated, we would have secured the construction of that railway, as I have already demonstrated, with a liberal subsidy of money and a grant of land, and we might have recouped ourselves for every dollar we would have expended, and more than that, from the large reserves we would have retained on the route of the railway. It is all very well for hon. gentlemen to claim that the scheme of the late Government was impracticable, and that it could not have been carried out—when it had not a fair trial.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—If I am not mistaken, the Government even now, at the end of their term of office, after years of blundering and gross extravagance in connection with this work, after discovering that their whole policy has been a huge mistake, are about to change their policy once more—that they are coming back to the policy of their predecessors. I say it was a great misfortune to this country that the policy of the late Administration was ever departed from, because we would have had all the advantages which would flow from their wise scheme, if the true friends of this Confederation, not its enemies had retained power. Instead of partizans who are willing to use their positions hostilely to Confederation, and every great work calculated to develop and nationalize these Provinces—if we had a Government composed of the true friends of Union at the helm of state, we would not have this

great work in the backward condition in which we find it to day, but have it progressing satisfactorily to the people and to the great benefit of the whole Dominion.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—The career of the present Government has been an extraordinary one in this respect—all their public professions have been cast to the winds one by one, we have seen them ignore them with the most wonderful indifference. On all occasions their public professions, when they stand in their way, seem to be regarded as mere idle words. I would not recapitulate now the long list of their inconsistencies and broken pledges because it would take me too far from my subject, and the enumeration of half of them would occupy more time than I can venture to claim in this debate. Their whole career is one continuous course of broken promises and professions on which they came into power. Looking at their record to-day we see such a stream of disregarded pledges and promises as, I venture to say, in so short a time never disgraced any Government in any other country in the world.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—And with regard to their record on this great question, what has it been? It has been a record of shameless dishonesty, inconsistency and hypocrisy. Our parliamentary annals show, that when this question was before the Parliament of this country, a resolution was moved by Sir George Cartier that the Pacific Railway be constructed by liberal grants of land and money to private companies, not increasing the present rate of taxation. Hon. gentlemen will here see with what care the late Government guarded the interests of this country in entering upon the construction of this great work. The resolution I am about to read, we all know, was moved with the approval of the Commissioners of British Columbia, who were at the time in Ottawa, arranging the conditions of Union, because Mr. Trutch was present when it was submitted to the House of Commons, and afterwards, at a banquet in this city, expressed his approval of it publicly. The late Government stipulated that the railway was not to add to the burdens of the country, but this is not exactly the point I desire to make. I want to show that that

Hon. Mr. Miller.

policy was then approved by the gentlemen now in power, but as soon as they obtained office, they disregarded all their previous declarations and took power to construct the railway as a Government work, which policy they have been pursuing for the past four years with the results the country has had so much reason to deplore. Let me read from the Journals of the House of Commons what actually did take place when the mode of building the railway was under consideration. Let me point out the beginning, the most inconsistent beginning of the gentlemen now in power in relation to the question:

“Resolved, that the railway referred to in the Address to Her Majesty concerning the Union of British Columbia with Canada, adopted by this House on Saturday, 1st April instant, should be constructed and worked by private enterprise, and not by the Dominion Government; and that the public aid to be given to secure that undertaking, should consist of such liberal grants of land and such subsidy in money, or other aid, not increasing the present rate of taxation, as the Parliament of Canada shall hereafter determine.

“The Hon. Sir George E. Cartier moved, seconded by the Hon. Mr. Tilley, and the question being proposed, that the Resolution be now read a second time.

“The Hon. Mr. Dorion moved in amendment, seconded by the Hon. Mr. Holton, that all the words after ‘now,’ to the end of the question, be left out, and the words ‘recommended to a Committee of the Whole House, with a view to amend the same by adding the following words—and not otherwise—and that an humble Address, embodying this resolution, be presented to Her Majesty, praying that she may be pleased to consider said Address as part of the one voted by this House on the 1st of April instant, and the above resolution as one of the conditions to be incorporated in any Order-in-Council for the admission of British Columbia to the Dominion of Canada, under the provisions of the British North America Act, 1867,’ inserted instead thereof.”

That is, that the road should be constructed by liberal grants of land and money, “and not otherwise.” The words “and not otherwise” were attempted to be added by the gentlemen who are now in power, and the amendment was supported by the unanimous vote of their followers. They added those words in order to deprive the Government of that day of any discretion or any power to depart from that policy in the smallest particular. It is true the resolution did not

carry. It would not have been wise to have confined any Government so strictly as these words would have bound them, because occasions might arise when it would be necessary for the Government to depart from the general policy, and it was wise and judicious on the part of the House of Commons to reject that amendment. But what must be thought of the present Government when the first act they did after they came into power was to pass a law, in the face of the resolution which they had attempted to force upon the late Government, to hand over the construction of this great work to themselves, to be built as a Government work, and not in the manner they then advocated?

Hon. Mr. SCOTT—There is the alternative. The other proposition had failed.

Hon. Mr. MILLER—The other proposition never had a fair trial. It never had a trial at all from the present Government. Their duty was when they came into power, if they believed in the policy which they endeavored to force upon their predecessors, to have carried out that policy, and to make some attempt to have the road built by a subsidy of land and money. That would have been wise as well as consistent. But they did no such thing. Without trying whether the road could be built in the way most advantageous to the people, and which would have kept the Government out of the many suspicious transactions and blunders which have marked their career ever since, at every turn—instead of adopting the course which, while in opposition, they said was the only right policy, they passed a law by which they took to themselves the power to construct this road as a Government work. I ask this House, I ask the most confirmed supporters of the present Ministry within the range of my voice—I ask the electors of this Dominion—if there is, in the history of this country, an act of more glaring inconsistency, an act of more shameless disregard of previous professions on the part of any party that was evidenced in the very initial step of the Government in reference to this work?

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I defy them to put their hands upon any such act of any

*Hon. Mr. Miller.*

other political party in this country within the whole range of its history. It is without precedent as an instance of glaring disregard of public professions. This step was the beginning of a series of unfortunate mistakes. The policy was an insincere one, and consequently it turned out to be a policy of blunders. We all recollect, in the outset, the different announcements that were made by the Premier and by leading members of his Cabinet, with regard to the course which they would pursue in relation to the road. First, they had one policy which was defended with very great earnestness as the wisest thing for this country—as the only thing, in fact, they could do to fulfil the obligations which rested on Canada in regard to the construction of the Pacific Railway. Their first scheme was the utilizing of the water stretches, and portages in the country between Lake Superior and the Red River, a scheme which has proved, on experience, to be so impracticable, to be so utterly absurd for the attainment of the purposes desired, that they had themselves, after a while, abandoned it, under the unanimous condemnation and derision of the country.

Hon. Mr. SCOTT—We availed ourselves of the principal water stretches—Lakes Huron and Superior. That saved 600 miles.

Hon. Mr. MILLER—I am perfectly well aware of that, and I think the Government are doing well to avail themselves of the great lakes until the time when the whole land road can be constructed. But the water stretches to which I allude are the streams and lakes between Lake Superior and the Red River, which the scheme of the Government was to utilize as a portion of the Pacific Railway. We all know with what wisdom that scheme was held up to us in the early days of this Government as a most feasible scheme for the settlement of the great North-West.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLER—We all know how unsuitable that scheme has proved to be—that no man of common sense can be found to stand up and defend it, though at one time it was considered the perfection of statesmanship by hon. gentlemen opposite. When that failed, they vacillated for a long time with regard to the location of the road between Lake

Superior and Red River. They selected one route at one time, and another afterwards, and I do not think they have got the whole of the route between the Kaministiquia and Selkirk settled yet. These were blunders which marked the inception of their management of this great work, and which delayed the completion of the railway where it was almost indispensable to the settlement of the North-West. One of the most memorable and costly mistakes of the Government in regard to the water stretch policy, was the construction of the Fort Francis lock. After the discussions we have heard upon in this Chamber, and the investigations of the committee last Session in respect to it, everybody must admit it to be a huge blunder, and I think that transaction alone justifies my hon. friend in stating in his resolution, that the public money has been expended without compensating advantages. If we had no other argument in support of the resolution, this would be sufficient to justify the hon. gentleman in moving it in the public interest. We have witnessed in this House the spectacle of the great champion of the Reform party (Mr. Brown), ridiculing the importance which was attached to this blunder, and the \$200,000 involved in it; he said it was nothing at all—a mere trifle.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I did not expect anyone in this Parliament could be found to use such an argument, and especially one who has been represented as the great advocate of economy and retrenchment for the last thirty years. I think the people of this country will have no difficulty in arriving at the conclusion that the expenditures in connection with the Fort Francis lock exhibit a condition of things, in other respects, that we should not find in the public service. Then we come to another blunder—the selection of the Kaministiquia terminus. If there were nothing else than the revelations which have been given to the country during the past Session, and the evidence elicited last year by a Committee of this House—that nearly \$70,000 have been expended upon the purchase of a piece of wilderness land at the Kaministiquia, not worth one-tenth of the money, that the leading

*Hon. Mr. Miller.*

character in the purchase was Mr. Oliver, who had placed the Reform party under great obligations to him for services to which I will not allude—it would justify this resolution. Here we have nearly \$70,000 expended in purchasing lands which should have been secured by the Government before private speculators had been able to get possession of it.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. MILLER—There can be no doubt that if the Government had desired to do so, they could have secured the land before it fell into the hands of private speculators, and the people of this country cannot but regard it as a suspicious circumstance that friends of the Government were allowed, almost immediately before the land was wanted, to secure that portion of territory on the Kaministiquia which was especially designed as the terminus of the Pacific Railway.

Hon. Mr. SCOTT—That subject is now under investigation before a Committee, and I can assure my hon. friend the evidence does not bear out what he states.

Hon. Mr. MILLER—I am not alluding to what has taken place in the Committee this Session. The hon. gentleman has no right to make any observations as to what is likely to be the finding of that Committee, which, I believe, will be contrary to his expectations.

Hon. Mr. SCOTT—It is not a fact that \$70,000 has been paid for land on the Kaministiquia, or that a considerable part of that has gone to friends of the Government.

Hon. Mr. MILLER—I speak in round numbers; it is not quite \$70,000—the sum is over \$68,000, and the whole of it was not paid for land. We know \$5,900 went for the purchase of that valuable property, the Neebing Hotel.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I say if we knew nothing more than the expenditure in connection with the Kaministiquia terminus, that alone would be sufficient to induce hon. gentlemen to support the resolution of my hon. friend. Another blunder by which the Government has wasted the public money was the manner in which they dealt with the Georgian

Bay Branch. We all know the ground they took against the late Government for having been so mad, as they said, as to let out any portion of the Pacific Railway before having thoroughly surveyed it. I believe, myself, that when this great inter-oceanic railway, which we hope to see completed at some reasonable date in the future, is finished, it must pass north of the Great Lakes, down the Valley of the Ottawa, and connect with the Inter-colonial Railway. Therefore, so far as the policy of looking ultimately forward to the construction of the Georgian Bay Branch as a link of that road is concerned, for my own part I approve of that view, and I believe it is the policy which is the true one in the interests of the people of this country when we are in a position to have the whole completed. But I have no hesitation in saying the day is far distant, judging by the rate of progress made by the present Government, when it will be necessary to enter into any agreement for the construction of that portion of the Pacific Railway. Not until we have communication with our Prairie Provinces, not until we have furnished a route to the prairie country from the head of Lake Superior, and thereby have obtained a population which will go far towards paying the revenue necessary for the work, will there be any necessity for the Georgian Bay Branch; but that it will be ultimately built as a portion of the Pacific Railway, I have no doubt. I ask, therefore, what necessity there was for letting it in such haste to Mr. Foster? If it was wrong to grant the original charter to Sir Hugh Allan's company for the construction of the Pacific Railway, without a survey, was it not equally wrong, was it not a less defensible act, on the part of the present Government, who denounced such conduct in their predecessors, to let the Georgian Bay Branch to Mr. Foster in such haste, without any survey? It was certainly wrong in the face of their past professions. It was, however, another of those acts which mark the track of this road wherever they have touched it. It was wrong in the second place, because it was unnecessary to let the contract at that time. We do not like to speak of the gentleman (Mr. Foster) who has passed away, and who was principally connected with that transaction, but we

*Hon. Mr. Miller.*

all know he had rendered important services to the Government in the crisis of 1873. We all know he was considered he held the keystone of the position in the Province of Quebec. He gave valuable assistance to the Opposition of the day, in ousting the gentlemen who held the seals of office. We know he had large claims upon their successors for having helped to place them in power. We found that gentleman was afterwards given a public contract, not called for in the interests of the country, and that in connection with that contract the public money was expended in a way which, perhaps, it is charitable not to speak of, since Mr. Foster has passed away; but I say in regard to that subject, the Government were guilty of their usual inconsistency and blundering. It cannot be denied that they wasted in this blunder \$109,000 of the people's money.

Hon. Mr. SCOTT—My hon. friend is entirely wrong.

Hon. Mr. MILLER—I say the whole of that money was as good as thrown away in connection with that unfortunate speculation.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—And, therefore, in regard to that item, I have no hesitation in saying that the mode they adopted in the construction of the Pacific Railway has involved the expenditure of a large amount of money, without any corresponding benefit.

Hon. Mr. SCOTT—Sixty thousand dollars of that was for rails advanced to the Canada Central Railway.

Hon. Mr. MILLER—Mr. Foster was manager of the Canada Central at that time, and he got the whole of the money.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I do not intend to go over all the blunders which these gentlemen have committed. They are too numerous. I should expect to keep you here as long as the House of Commons sat on a memorable occasion, if I should attempt to give you a resume of them. The next blunder to which I shall call the attention of the House, was in the selection of the route of the railway through Manitoba. For some unaccountable reason which has never been explained, the road has been taken through a country almost unfit—I

am credibly informed—for colonization; taken away from the settled portion of the Province, as if the Government wished to deprive them of the advantages of the road. We have it on the best authority that it would have been quite possible to have taken the line through Manitoba, near the regions where our industrious immigrants have already taken up their abode and commenced to turn the prairie into smiling fields. If the southern route had been adopted, it would have been equally wise and well in the interests of the Dominion, while it would have justly and properly consulted the wishes of the people of Manitoba. I trust that the electors of that Province, when they are called upon to render their verdict upon this and other questions, in relation to the policy of the present Government, will not forget the indifference, to use the mildest term, which these gentlemen have shown to their interests. To condemn this blunder alone, I would readily vote for the resolution of my hon. friend. If any wisdom had prevailed in the councils of the Government, the first thing they would have done, in connection with the construction of the Pacific Railway, would have been to open up direct communication from the waters of Lake Superior to the Province of Manitoba, through our own territory, for the purpose of sending emigration into that country, and furnishing an outlet for the growing trade of that Province. But what have they done? They have made contracts only for the construction of portions of that line. They have commenced the construction of two sections, one at each end, leaving 180 miles in the middle uncompleted. Until that middle section is built, the road will be of comparatively no service to the people of Manitoba, or those desiring to go into that Province. A more egregious mistake could not have been committed. What will be the use of these sections without the missing link? It is a policy which children, one would suppose, would hardly be expected to adopt. Unless one wishes to believe that those gentlemen do not desire to see that country opened up and settled, it is hard to find a reason for the course they are pursuing. I do not suppose they so desire, but I believe their policy is the re-

sult of their incapacity to do anything right. Everything they touch they seem to make a muddle of; every step they take is almost sure to prove a costly mistake.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—Will the hon. gentleman explain how we are to get at the centre section unless we begin at both ends at once?

Hon. Mr. MILLER—I am sorry my hon. friend sees himself in such a bad position that he is compelled to make it worse by a remark which will not recommend itself to the intelligence of any man in this House. Even the hon. Senator from Hamilton did not say “hear, hear” to his leader’s question, and if there had been anything in it we know he would be sure to have approved of it. But worse than all, these end sections, I am told by persons who have taken the trouble to visit that country, will have decayed before the middle section can be completed. And here I must pause to pay a just compliment to certain gentlemen in this House who have, at great personal expense and trouble, given this subject the investigation they have done. I consider this Dominion owes a deep debt of gratitude to the leader of the Opposition in this House, to the hon. Senator for Saugeen and to the hon. Senator from Toronto (Mr. Aikins), and one or two others who have taken such a deep personal practical interest in this great undertaking, and have thereby been enabled to expose to the people of this country, the mismanagement of the Government, and who have done much to arrest the extravagance and jobbery of the party in power in regard to this great work.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—We are told by those gentlemen who have visited Manitoba during the recess, the sections which are in course of construction, being built of wood—mere trestle work, of a very perishable character—cannot be expected to live more than seven years. Some have mentioned seven, but others whose opinions are entitled to respect, have given five years as the life limit of the material used in these sections. But allowing seven years, we will have this enormous expenditure on two sections of the line which will be utterly worthless in a few

Hon. Mr. Miller.

years—will have rotted before the middle section is completed, and therefore all this money will be thrown away, which, if judiciously expended on a through line, would be of very great benefit to the North-West. This blunder is one of the greatest in connection with their whole policy, one which must be palpable to the intelligence of the simplest elector in the country, and, I am sure, when the time comes, that these gentlemen who occupy the Treasury Benches are called upon to give an account of their stewardship, their mismanagement of this part of the Pacific Railway will be one of those things which will receive the condemnation of the electors. There are many other points to which I would like to refer, but I shall have to drop them all to devote a few minutes to that much debated, yet still interesting subject, the steel rails. It strikes me, however, that although it has been discussed with a great deal of ability by hon. gentlemen who have mastered the details, and a very strong case has been made out, which certainly the Government cannot defend, there are other features of the purchase, which seem to be lost sight of, and other facts in connection with it that have not been noticed, which deserve to be placed on permanent record. It has been stated that it is unfair to charge the Premier with anything wrong in relation to this transaction, but when we come to examine into the origin of this steel rails business and the position which the Premier, at the very outset, chose to adopt with regard to that question, we have a right to doubt the correctness of that position, and are forced to form an unfavorable judgment upon it. This purchase of the steel rails was first brought to the notice of the public during an election in 1875, in the City of Montreal! The Opposition candidate declared that these purchases had been largely made through a firm in which a brother of the Premier was interested, and more in the interests of his brother's firm than for the benefit of the country. It was a serious charge, but it was made, as it afterwards turned out, upon facts which were very conclusive, and which have never yet been successfully disputed. When this charge was brought by the Opposition candidate in 1875 before the electors of Montreal, what position did the Minister

*Hon. Mr. Miller.*

of Public Works assume with regard to it? I have a copy of the telegram which he sent to the Ministerial press, and which was as follows:—

“No steel rails were purchased by me from any Montreal firm—all were obtained by open competition after a month's advertising for tenders, the lowest tenders being in all cases accepted. The contracts were all made with English makers. No brother or relation of mine has any interest, direct or indirect, near or remote, in any of these contracts, or ever received or has any claim to a cent of profit from one or any of them.”

Now, in the light of the information cast on this subject by subsequent events, do we not know that that telegram was a tissue of misstatements? The Premier attempts to justify the first allegation it contains, by saying that the rails were not purchased from the firms in Montreal, but from English manufacturers. Is not this trifling with the case? The largest quantity negotiated through any one house, 25,000 tons, was purchased through the firm of Cooper, Fairman & Co., yet, in the face of that fact, the impression which the hon. gentleman wished to leave upon the electors of Montreal, was that none of those contracts had been made in this country at all.

Hon. Mr. SCOTT—The contracts were sent home to be executed.

Hon. Mr. MILLER—They were virtually the contracts of the brokers who made them here. I ask my hon. friend if the contracts were not intended to be made here as the absolute contracts of the parties tendering, without regard to agency, why it was that only six or eight days' notice was originally given for the reception of tenders for this enormous quantity of rails?

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—If the purchases were not virtually to be made in this country, on what grounds could my hon. friend justify the giving of only six or eight days' notice as was originally contemplated by the Department of Public Works? It is evident therefore, that the first portion of the statement in Mr. Mackenzie's telegram is not consistent with the facts. No other character can be given to it than that it was a disingenuous dealing with the truth. It was an attempt to deceive the country, and

especially the electors of Montreal at the time it was made. He further says, "all were obtained by open competition, after a month's advertising for tenders."

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLER—I ask if that was a fair, candid statement? How was the month's notice obtained? It was only through the influence of friends of the Government that the time was extended one month, yet, the telegram was so worded as to lead the public to believe it was the original intention to give a month's notice for the purchase of these rails. I ask if that clause was not disingenuous, and calculated to mislead and deceive those unacquainted with the real facts? No one can deny that it was purposely intended to have that effect.

Hon. Mr. MACPHERSON—Cooper, Fairman & Co. do not represent themselves as agents.

Hon. Mr. MILLER—I know that is so, but I feel I cannot go further into that feature of the subject. I feel I am trespassing too far on the time of the House, even now, without entering into all the details at greater length.

Hon. Gentlemen—Go on!

Hon. Mr. MILLER—I shall not go into the question, which has been so very fully discussed by my hon. friends, with regard to the fact whether the lowest tenders were accepted. They have shown to the satisfaction of every unbiassed mind how wide that assertion is of the truth. We have it in evidence, in the papers submitted to this House, that some of these rails were given without tender at all, and others of them were taken from one favored firm and not on the lowest tenders, in a way that indicated the clearest favoritism. The details of the evidence on this head are too clearly before the House to require to be recapitulated. To do so, I feel, would be a task which I would hardly be justified in attempting, after having already occupied so much of the time of the House. I come now to the last and most suggestive clause in this telegram: "No brother or relation of mine has any interest, direct or indirect, near or remote, in any of those contracts, or has any claim to a cent of profit from one of them." Now, what are the facts

Hon. Mr. Miller.

in connection with this assertion? If Mr. Mackenzie's brother was a partner in that firm; if he was dealing honestly and above-board, and with no greater advantages than others, with the Government of which his brother was Premier, there would have been no necessity whatever for any concealment or equivocation on the part of the Premier or his brother. But Mr. Charles Mackenzie was a member of the firm of Cooper, Fairman & Co. at the time this denial was made. Moreover, his position in the firm was, everything considered, of a very suspicious character. He was a sleeping, special partner, whose name was not before the public as such. I do not allege it would be fair to argue that a man who is a sleeping partner in a mercantile concern may not be very honestly and properly so, but when we find a firm who have been engaged in so many profitable transactions, viewed as acts of favoritism, in connection with the Government, and when you find a member of that firm a sleeping and unknown partner, a near relative of the head of that Government, it has on the face of it an appearance by which we may rightly be guided in our subsequent investigation into the conduct of all parties concerned. What do the official records prove? That Charles Mackenzie, in the beginning of 1873, became a partner in the firm of Cooper, Fairman, & Co., and that he continued, even under their own statement, up to May, 1875, to be a partner of that firm.

Hon. Mr. SCOTT—No; December, 1874.

Hon. Mr. MILLER—I beg the hon. gentleman's pardon. I will produce evidence to prove the correctness of what I have stated. In the Province of Quebec it is necessary that partnerships should be recorded in the Prothonotaries' office. Here are the terms of the co-partnership arrangement of Cooper, Fairman, & Co.:

" Province of Quebec, }  
District of Montreal. }

" We, the undersigned, do hereby certify that we have entered into co-partnership, under the style and firm of Cooper, Fairman & Company, as merchants, which firm consists of James Cooper, of the City of Montreal, and Frederick Fairman, at present residing at Waterloo, in the said Province, and Charles Mackenzie, of St. Arna, in the Province of On-

tario, as a special partner the said Charles Mackenzie having contributed fifteen thousand dollars to the capital stock of the said partnership, which said co-partnership commenced on the first day of January instant, 1873. Dated this second day of January, one thousand eight hundred and seventy-three."

"(Signed),

JAMES COOPER,  
F. FAIRMAN,  
CHARLES MACKENZIE."

Signed in the presence of }  
JOHN C. GRIFFIN, N. P. }

"Filed and registered this seventh day of January, one thousand eight hundred and seventy-three."

"(Signed),

[HUBERT, PAPINEAU & HONEY,  
P.S.C.]

Mr. Charles Mackenzie became a partner for "special purposes", and I have no doubt that describes very correctly his position in the firm.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—The interest which he brought to the firm was of a very special character, as subsequent events prove.

Hon. Mr. SCOTT—No steel rails were in view then.

Hon. Mr. MILLER—He continued in the partnership until May, 1875, as the following notice of dissolution shows:—

"Province of Quebec, }  
District of Montreal." }

"We, James Cooper and Frederick Fairman, both of the City of Montreal, Hardware Merchants and Importers, hereby certify that we have carried on, and intend to carry on business as such, at the said City of Montreal, in partnership under the name of Cooper, Fairman & Company, and that the said co-partnership has subsisted since the fourth day of May last, and that we, the said James Cooper and Frederick Fairman, are and have been, since the said day, the only members of the said partnership. Witness our hands at Montreal, this twentieth day of July, one thousand eight hundred and seventy-five."

"(Signed),

JAMES COOPER,  
F. FAIRMAN."

"Filed and registered this twenty-fourth day of August, one thousand eight hundred and seventy-five."

"HUBERT, PAPINEAU & HONEY."  
P.S.C.

Hon. Mr. MILLER—The first thing to which I would call attention in reference to this dissolution of partnership, is the extraordinary manner

*Hon. Mr. Miller.*

in which it is worded. It is not a legal dissolution at all. It is not signed by the man most interested. It was evidently a necessity at the time to have Mr. Mackenzie's name dissociated from the firm, and it was done in this way. I submit there is nothing in that paper to bind Mr. Mackenzie, and he continues, legally, to the present day, a member of the firm of Cooper, Fairman & Co. But even taking the dissolution that is recorded, what does it prove? That Mr. Mackenzie was a partner in that firm up to the beginning of May, 1875, and we know all those suspicious transactions of the Government with that combination were before that date.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—I put it to this House and to the people of this country, what opinion must they form of the disingenuousness, to use no harsher term, of the Premier when he made the above statement, with a view to deceiving the electors of Montreal, that no brother of his was interested in the purchase of the steel rails, though evidence so conclusive and irresistible could easily have been obtained to prove to the contrary? Scarcely in the history of any country have you seen an instance of a gentleman occupying the position of Premier, in so short a space and in so few words, being able to make so many disingenuous and untruthful declarations as that telegram from Mr. Mackenzie contained. It is impossible to characterize it in any other language than that I have used. It was necessary to review the circumstances connected with the inception of the steel rail scandal to give full force and meaning to discussion, exposing the loss the country has sustained in this business. I say, with such conduct and such acts before us, and such untruthful statements as I have exposed, what right have hon. gentlemen opposite to complain when we challenge their assertions that the Premier is not responsible for the favoritism, nepotism, and I might use a stronger term, that has been developed at every stage from beginning to end of the purchase of these steel rails, and even in the handling and carriage of them—not forgetting the connection of the hon. Senator from Hamilton with them.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. MILLER—I do not attach any personal blame to my hon. friend. His connection with the rails commenced before he became a member of the Senate, when he was an outside supporter of the Government. In consequence of the denials of the supporters of the Government, hon. members of this House have felt it their duty to charge the Premier with nepotism and mismanagement, by which over \$1,500,000 of the money of this Dominion has been irretrievably wasted. I contend if there were nothing else than the ruinous blundering in connection with the steel rails, to justify the resolution of my hon. friend from Belleville, it would be quite sufficient to induce me to vote for it. It is time the public men of this country who are entrusted with power, should deal with this subject of the Canadian Pacific Railway in a spirit of patriotism, and with a wiser statesmanship than they have shown in the past. I was one of those who voted for the terms of Union with British Columbia, and I have seen no reason to regret that vote.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—If the Union has not been so satisfactory to that Province or ourselves as we would wish it had been, it is due to those gentlemen who, in an evil hour for the country, were entrusted with the reins of power in 1873. I do hope a better policy will be adopted for the development of the North-West. Thousands of emigrants are flocking there at the present time, and the rush would be much greater if we had the means of carrying them in and their produce out. If this Dominion is ever to be what we all hope to see it; if the untold resources of British Columbia are ever to be developed, it will only be when it has connection with the rest of the Dominion by means of a railroad. It was my intention to go into a discussion of the policy of the Government, in relation to the location of the line in British Columbia, and which, I fear, from all I can learn now, is going to add another blunder, perhaps the greatest of all, to those which have marked their policy on this subject, but I cannot venture, having encroached so long on the time of the House, to touch upon that question to-day. But I do hope that the

Hon. Mr. Miller.

time has gone by when we are to have nothing but recrimination against the action of the late Government for having inaugurated a policy in regard to this great work, which is consistent with the highest interests of this Dominion, which is necessary for the consolidation of these Provinces, and which has the support of the wise and patriotic people of Canada, from one end of it to the other.

At six o'clock the Speaker left the chair.

AFTER RECESS.

Hon. Mr. POWER resumed the debate. He said: I regret very much that the Senator from Richmond is not present in his place, because the few remarks which I propose to address to the House, are in reply to what he said. The hon. Senator began his speech by stating that all parties acknowledged, about the time the Union of British Columbia with Canada took place, that the Pacific Railway was an absolute necessity. My curiosity was a little stimulated by that statement; and I referred to the official debates of this House in the year 1871, upon the question of the Union of British Columbia with the Dominion; and there I found that, when the terms of Union were laid before this House by the gentleman who is now leader of the Opposition, there was a decided hostility manifested by gentlemen who were then on the Opposition side of the House to the terms which were then proposed to be granted to British Columbia, and the strongest objection was taken to that portion of the terms which related to the Pacific Railway. The hon. gentleman who is now Lieutenant-Governor of the Province of Quebec, was quite decided in his opposition to that portion of the scheme. An hon. gentleman who is now unfortunately no more, the hon. Mr. Sanborn, made a very long and able speech, taking the same view; and several other gentlemen agreed with him. The Senator from Richmond read an article from the *Globe* of 1871 in support of his statement; but it seems to me that if we are to look for authoritative utterances of a party on a great national question of this kind, the proper place to seek for them is in the utterances of the people's representatives on the floor of Parliament, and not in the

columns of a newspaper written by irresponsible persons. It will be found that the representatives of the people, who had a right to speak authoritatively for the party, were hostile to that railway scheme. The Senator told us what everybody knew—that the policy of the late Government, as enunciated in 1871, was to build this road by means of private companies—and he told us further that two companies had offered to build the road for a cash subsidy of \$30,000,000, and a bonus of 50,000,000 acres of land. I noticed in reading the report of the debates which took place at that time, that members of this House seemed to think such a sum would not be sufficient to build the road; and they instituted comparisons between the Canada Pacific Railway and the Union Pacific Railway of the United States. The conclusion which most of those hon. gentlemen came to was, that the road would cost \$150,000,000, and it is well understood that railway undertakings of this kind always over-run the estimates. Then the Senator drew a picture of the value of lands through which this railway was to run, and told the House that without any money subsidy at all a company could be formed to build this road. The lands were worth, I think he said, three dollars an acre, which for 50,000,000 would have amounted to \$150,000,000. According to the hon. gentleman's statement, the road could be built by a company from the grant alone, and the company would have had a handsome profit out of the transaction. If that were so, it is a wonder we have not had some company coming forward and offering several millions of dollars for the privilege of building that road. That would be the natural inference to be drawn from the hon. gentleman's remarks. This Canadian Pacific Railway Company, which was said to have been composed of men of the highest standing in financial circles, in 1873, before this Government came into power, had abandoned the undertaking because they could not raise the money, notwithstanding the subsidy of \$30,000,000; and I see that in May of that year, six months before the late Government went out of power, that fact had come to light; for I find that the hon. gentleman from Saugeen, at that time, in a speech on this matter, used the following language:—

*Hon. Mr. Power.*

“I wish to speak as considerably as possible of the Canada Pacific Railway Company; but it is notorious that they have failed. Private advices in all directions bring the same report, that they have failed utterly—not because of the magnitude of the undertaking, but because the parties interested are, and the enterprise in their hands is, utterly discredited. The course pursued by these gentlemen has not only rendered the failure of the undertaking, in their hands, inevitable, but it has put out of the question the possibility of the achievement of this work by a private company; and it must now be carried out by the Government of the country.”

Now, it appears that the company had failed; and, as far as the public know, the late Government had no other scheme. They could not find any other company to build the road, and had no plan by which the road could be built. They had entered into an engagement with British Columbia to construct the road in a certain time, and no company could be found to undertake it. The only alternative I can see, was that the Government should build the road themselves; for, of course, it would have been utterly impossible to have altogether refused to keep the agreement they had made with British Columbia. The hon. Senator from Richmond, in speaking of the construction of the road by a company, referred to the case of the Northern Pacific Railway. It seems to me that that was an unfortunate reference, because the Northern Pacific Railway has been some two or three years at a standstill, the company having been unable to proceed with the work. The Union Pacific Railway, I think, has cost the United States Government, up to the present, something like \$100,000,000 for cash subsidies, in addition to a very large land grant which the company also received from them. That matter was clearly explained by the hon. Secretary of State in dealing with this question the other day. When that railway, running through a comparatively well settled country, with thirty six or thirty-seven millions of people on the Atlantic side, and something over a million of people and an exceedingly prosperous country on the Pacific coast, called for such an enormous amount of pecuniary aid from the American Government, it will give an idea of the difficulty of building our road, almost a thousand miles longer, through a country sparsely populated at one end, and almost without population at the other. The Senator

from Richmond undertook to give us an idea of what might have been the case, had the former Government remained in power. He said it was true that the late Government had undertaken to build this road in ten years; but they did not mean it, that it was not a cast-iron bond. I don't know that the Senator from Richmond is understood to have spoken the sentiments of the party which he belongs to, but if he has, I do not think that statement very creditable to the party. I find that the hon. gentleman, when this matter was before the Senate on the 3rd February, 1871, used this language after speaking in the highest terms of the undertaking:—

“It may be said that it was unwise to bind themselves to the completion of this work within ten years. But they saw more changes, more great results achieved, in a decade now, than in a century a hundred years ago; to make the time longer would look like not being in earnest, and he trusted the Government were in earnest in this great work.”

It is evident that at that time the Senator from Richmond did not wish to convey the impression, that the Government did not propose to build the road in ten years.

Hon. Mr. CAMPBELL—If the hon. gentleman will look into it more fully, he will find that in introducing the measure in this House, I said that the period of ten years was fixed, not as a cast-iron rule, but as an evidence of good faith.

Hon. Mr. POWER—I was not undertaking to reply to the hon. gentleman from Kingston, and what the hon. gentleman states is perfectly correct. If I had referred to what he had said I should have mentioned that fact. The Senator from Richmond found a great deal of fault with the present Government for the money spent in surveys. And he said that the late Government had not made surveys, because it was a matter for the company who undertook the construction of the road. I do not think it is a matter for a company, but for the Government specially. However, the facts—as is very often the case—are at variance with the statement made by the Senator for Richmond, because the late Government did undertake to make a survey, and sent Mr. Sandford Fleming across the continent; and I remember that the Rev. Mr. Grant,

*Hon. Mr. Power.*

of Halifax, accompanied him as secretary, and wrote a very interesting book—“Ocean to Ocean”—which I presume most hon. gentlemen here have read. The hon. Senator from Richmond said, as a proof that the country did not disapprove of this railway scheme of the late Government, that they had been sustained by a handsome majority in the elections of 1872. The majority, as I understand it, was not a very large one when Parliament met and I believe the people recognized generally throughout the country the fact, that the majority had not been obtained by handsome means. The Senator then took up the Government scheme, after having used some vigorous language with reference to the tremendous string of “broken pledges and promises, blunders, scandals, and jobs”; and he went into an enumeration of the blunders made by the present Government. First, there was the water-stretch policy, which has been discussed a great deal, and as to which nothing can be added just now. I have only to say that I suppose the Government were, to a certain extent, misled by that water-stretch route known as the Dawson Road, which had been the mode of communication between Lake Superior and Manitoba for some time previous to that; and by the supposition that the railway might follow the same route. Then the Government were blamed for selecting one route to-day and another to-morrow. I do not know that any instance in which they varied from the route first decided upon can be found, except one. That the route to Sturgeon Falls was abandoned and the northern location was adopted. The Senator asserted that the Fort Francis Lock was a blunder, or something worse, where there was “sufficient to enable one to form a moral suspicion that there was something very seriously wrong.” It seems to me that if he had called it an immoral suspicion, he would have been nearer correct. A suspicion without evidence of the fact to sustain it is certainly not creditable to gentlemen occupying positions in this House. Then, another blunder he referred to was the Kaminitiquia terminus. I can only say on that point, that I prefer to take the judgment of Mr. Fleming, and other professional gentlemen like him, rather than the opinion of the Senator from Richmond. There

also he found jobbery, and he connected with that jobbery a gentleman named Oliver. Mr. Oliver, I understand, is professionally almost, a land speculator, and he had purchased land at Prince Arthur's Landing, Nipegon River, and two or three other places besides the Kaminitiquia, all with the object of making money out of the place where the terminus was to be located. He missed it in two or three cases, but he hit it at Fort William. If this gentleman had not purchased land anywhere else than at Fort William, there might have been a shadow of suspicion that there was something wrong, but not more than that. Then the hon. gentleman spoke of the location of the line north of Manitoba, as another blunder. I understand that the Engineers, in whose hands the location of the road has chiefly been left, are of opinion that the route has been properly selected; and during last year a further survey has been made which, I believe, has not caused the engineers to alter their opinion on the subject. I apprehend that the branch from Winnipeg will satisfy the people of the Province of Manitoba, nearly as well as the main line could do, especially when it is taken into consideration that to have brought the main line through Winnipeg would have involved the expenditure of another million of dollars, besides lengthening the road. The sixth egregious blunder which the Senator charged the Government with, was in the building of the two ends of the road between Lake Superior and Winnipeg, and leaving the central link untouched. Now, I do not know all the reasons that prevailed with the Government in adopting this course. I understand that the middle link is the most difficult of the three, and that the engineers had not finally and definitely located the line at the time that the contracts were let for the other sections. However, there is this to be remembered, that it would be almost impossible to transport the supplies necessary for the construction of the central link, to the places where they would be required; and it seems to me that, taking all these circumstances into consideration, the Government did not make any mistake in what they did there. Having got through those six blunders, the hon. Sena-

tor from Richmond said the other blunders made by the Government were too numerous to mention. I notice that this is not an unusual way of putting things. Having enumerated the whole list it sounds better, and is very convenient to end by saying, "and other things too numerous to mention." It reminds me of the manner of publishing petitions in certain cases, giving a dozen names and saying "and a hundred and fifty others," although in reality there might be only one or two. The hon. Senator from Richmond laid great stress on the fact that the bridges and culverts on the sections of the Pacific Railway, now under contract, were to be of wood; and said it was another egregious blunder. In fact, it appeared to him almost incomprehensible. I think the expense of putting up iron bridges in a country like that west of Lake Superior, so difficult of access, would be so great that the Government were justified in building wooden bridges for the present, and by and by, after six or seven years, iron bridges can be substituted at a much lower figure than it could possibly be done for at present. I should like to call the attention of the House to the fact that on another Government railway of a very important character, which did not labor under the difficulties that the Pacific Railway does in its construction, a road which lay close to a water route, where iron bridges could have been laid down beside the road almost from the ships' hold; it was with the greatest difficulty that the Government of that day, who had charge of its construction, and the Railway Commissioners acting under them, who were directly in charge of the road, could be induced to build the bridges of stone and iron instead of wood. Any hon. gentleman who has read Mr. Fleming's history of the Intercolonial Railway, and who is in any way familiar with public affairs of that day, will remember that there was an exceedingly long and vigorous contest between the Commissioners on one side, who were in favor of wooden structures, and the Chief Engineer, who was in favor of iron bridges; and it was only after great exertions on the part of Mr. Fleming that he succeeded in having iron structures adopted. Under those circumstances, I think it is drawing too

much on our credulity to expect us to look upon the policy of the present Government, with respect to the style of constructing the Pacific Railway, as incomprehensible, when the road is being pushed through a country over which it has been said no white man except a trapper or a missionary had ever trod. Then the hon. gentleman referred to the purchase of steel rails. He did not go at any great length into the unwisdom of that purchase, which has been principally dwelt on by other gentlemen who addressed this House. He took another view of the subject, and thought that there had been a great deal of corruption in the transaction. I was happy to see that the leader of the Opposition (the hon. gentleman from Kingston) and some other hon. gentlemen on that side of the House, and people generally throughout the country have abandoned this charge of corruption altogether—in connection with the Premier—and have acquitted Mr. Mackenzie of any improper conduct, and say that he was only guilty of a great blunder. The hon. Senator from Richmond, like a class among whom it is unparliamentary to include him, rushed in were such angels, as one may call them, as the hon. Senator from Kingston, and the hon. gentleman from Saugeen feared to tread. The Senator took up the telegrams sent by the Premier in denial of this charge; and I took down some of the words which he used in connection with it. He spoke of the statements in that telegram as a “disingenuous and untruthful statement, hurled at the electors of Montreal.” I think unless the case is very clear indeed, it is undignified on the part of any member of this Senate to make a statement of that kind. It seems to me that that case was settled long ago, and the Premier’s statement was proved to be correct. It was certainly more truthful than the statement which was put into the solemn agreement or treaty made with British Columbia, that the Pacific Railway was to be completed within ten years, when the hon. gentlemen who were making that agreement and putting it on paper, had no intention of carrying it out. The facts are too well known; and it seems to me almost improper to bring them up again. Mr. Charles Mackenzie was for some time a member of the firm of Cooper, Fairman & Co., in Montreal; that firm acted as brokers for an iron

house in England who tendered for the supply of these steel rails. The tenders were advertised for, and offers came in from a number of leading iron houses in England. It seems to me that, if Mr. Charles Mackenzie was a member of that brokers’ firm, or a member of one of the iron firms in England who supplied the rails, it would be difficult to show that there had been any impropriety in the transaction. But the firm to which Mr. Mackenzie had belonged did not tender at all, they merely acted as agents for a firm in England.

Hon. Mr. MACPHERSON—Where does the hon. gentleman find that; they do not represent themselves as agents in the return brought down to the House.

Hon. Mr. POWER—It is in the return before the House, and I feel constrained to take official statements of that kind, rather than the suppositions of hon. gentlemen opposite.

Hon. Mr. MACPHERSON—Refer us to the part of the return in which “agents” is to be found.

Hon. Mr. HOPE—In No. 65.

Hon. Mr. POWER—Supposing Mr. Charles Mackenzie had actually been a member of the firm that manufactured the iron, and supplied it, I cannot see anything improper in the transaction. Under the previous Government, members of families of Ministers had supplied iron for railways, and a very much larger price was paid for the iron which they supplied than the regular market price. The fraud was so clear and palpable that the matter has since been ventilated in the Courts, and a large sum of money has been recovered from a firm of which Mr. Hawes, a brother-in-law of one of the members of the late Cabinet, was a member. The Premier stated, in his telegram, that his brother was not interested in this purchase. In January, 1873, some eight months before the present Government came into power, Mr. Charles Mackenzie having been, no doubt, endowed with the gift of prophecy, according to the hon. Senator from Richmond, became a special partner in this firm, for the special purpose of making something out of the commission on the purchase of those rails. But, before those rails were delivered—in fact, before the purchase

was completed—Mr. Charles Mackenzie had left the firm. The dissolution of partnership had not been advertised before the purchase was made; but the dissolution had actually taken place; and it has been admitted, I believe, that he was not actually a partner at the time those rails were contracted for. And I fail to see, in that whole transaction, that there was anything corrupt or improper. There is one other matter which I should like to say a word about. It will be remembered, that in the course of the discussion of this question, a member of this House made a statement with reference to the extravagance and favoritism of the Government in connection with some supplies of beef in the North-West. I see that that matter has been investigated before the Committee on Public Accounts, in the other House, and the evidence has been published. I have also seen the official evidence, and I find that it is just another example of what a mistake it is to discuss such matters on unsworn and hearsay testimony. It appears that the charge of improper conduct on that matter has not been sustained.

Hon. Mr. MACPHERSON—I should like to say a word in reply to what the hon. gentleman from Hamilton said. My argument went to show that there had been favoritism exhibited by the Government towards certain houses in connection with the steel rails matter—towards Cooper, Fairman & Co.; towards the Transportation Company, of which the hon. Senator from Hamilton is a member, and towards the Red River Transportation Company. The hon. gentleman from Hamilton questioned the correctness of what I said with respect to the tender of Mr. Samuel for the transportation of the rails from Montreal to Duluth. I asked the hon. gentleman to read to the House the advertisement calling for tenders, but he did not do so. I consider the hon. gentleman's remarks were calculated to mislead the House. I never before heard an hon. gentleman speak on the floor of this House, whose remarks seemed so calculated—if it were parliamentary, I should say intended—to mislead, as the remarks of the hon. gentleman. The advertisement, which I shall read for the information of hon. gentlemen, is as follows:—"Tenders to be for "not less than 1,000 tons, and the price

*Hon. Mr. Power.*

"to include all cost, of handling, piling, insurance, and charges at all points."

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—Now, the hon. gentleman, who, I take it for granted, must have read the advertisement, gave a list of items which, he assumed, were not included in Mr. Samuel's tender, and which amounted to \$1.17 a ton. The items which he enumerated were specified in the advertisement under which Mr. Samuel tendered, and this proves that his tender included those items. How the hon. gentleman could attempt to mislead the House as he did in this matter, is what I cannot understand.

Hon. Mr. HOPE—I stated the reasons I had for saying so.

Hon. Mr. MACPHERSON—There are no reasons for saying so. The hon. gentleman surely knows that all the items he specified were included and covered by Mr. Samuel's tender.

Hon. Mr. HOPE—They may have been in the advertisement, but they were not in Mr. Samuel's tender.

Hon. Mr. MACPHERSON—Mr. Samuel's tender was not objected to on that or any other ground. If the Minister of Public Works thought that Mr. Samuel's tender did not include everything named in the advertisement, why did he not communicate with that gentleman? But Mr. Samuel was not communicated with, and no exception was taken to his tender. All that was said was, he was not the owner of steamboats. And I should like to know if Cooper, Fairman & Co. were steamboat owners?

Hon. Mr. HOPE—Cooper, Fairman & Company were authorized to say they had the steamers.

Hon. Mr. MACPHERSON—If there was any doubt—and there was not—that the tender of Mr. Samuel covered all that was required by the advertisement calling for tenders, why was he not communicated with? His tender was the lowest. Why were Cooper, Fairman & Co., who had not tendered at all, invited to come to Ottawa to confer with the Minister of Public Works in respect to this transport, and why was the contract awarded to them at twenty cents per ton more than Mr. Samuel asked? I ask was not that favoritism? The hon. the Min-

ister of Public Works, in his minute of Council, described Cooper, Fairman & Co. as the agents of the Merchants' Lake and River Steamship Company, and Jacques & Co., in their tender, represented themselves as agents of the same line of steamers. The hon. gentleman from Hamilton did not tell us whether Jacques & Co., or Cooper, Fairman & Co. were the real agents. It is possible, if Jacques & Co. had got the contract at \$6.30, that they would have been the agents, and we might not have heard of Cooper, Fairman & Co. in the transaction; but Jacques & Co. did not get the contract, and Cooper, Fairman & Co., having been invited to Ottawa, and having been awarded the contract at twenty cents per ton more than Mr. Samuel had offered to do the work for, they became his agents, and the agents of his associates, Messrs. Norris & Neelon. Then there was the tender of Guest & Co., at \$4.16 per ton, including insurance.

Hon. Mr. SCOTT—That was the year before.

Hon. Mr. MACPHERSON—The tender was sent in the autumn before. I assure the hon. Secretary of State that he is in error, because the tender was for the same season.

Hon. Mr. SCOTT—It was made the year before.

Hon. Mr. MACPHERSON—It was made in November or December of 1874, it is true, but it was for the navigable season of 1875—for the same season that Mr. Samuel tendered, and that Cooper, Fairman & Co. were awarded the contract for the transport of the rails.

Hon. Mr. SCOTT—It was made at a time when the Government had not decided upon transporting the rails.

Hon. Mr. MACPHERSON—It cannot be disputed that the tenders were for the same season in both cases. Guest & Co.'s tender, at \$4.16, was sent in at the same time as Cooper, Fairman & Co.'s tender, at \$5.60. No notice was taken of either at the time; but in the following April, the Minister of Public Works remembered that Cooper, Fairman & Co. had tendered at \$5.60, but he forgot that Guest & Co. had tendered at \$4.16. The hon. gentleman from Hamilton told us the other day that Guest & Co. were

*Hon. Mr. Macpherson.*

going to take the rails by the American route, and he talked about canal tolls and other charges, which the Government would have to pay, but the argument of the hon. gentleman was perfectly preposterous.

Hon. Mr. HOPE—What is the reason the hon. gentleman ignores the statement of Perkins, Livingston, & Post, in their tender that the consignees were to unload? Why is that fact concealed from the House?

Hon. Mr. MACPHERSON—The hon. gentleman is in error. The carrier always lands the freight. If there is any handling beyond what is usual or specified, it is done at the owner's expense. The hon. gentleman knows very well that I omitted items on the other side, which I might have added, and have made the account very much heavier against the Government. One item, the transport from Montreal to Lachine, amounting to about one dollar a ton on the 11,000 tons; all of which might have been saved by accepting the tender of Guest & Co.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—The hon. gentleman says Guest & Co. did not tender for this service.

Hon. Mr. SCOTT—It was a proposition made the previous year, before the Government knew what they were going to do with the steel rails.

Hon. Mr. MACPHERSON—The hon. Secretary of State surely knows that the tender was for the transport of the rails during the season covered by Cooper, Fairman & Co.'s contract.

Hon. Mr. SCOTT—Was their proposition in answer to the advertisement calling for tenders?

Hon. Mr. MACPHERSON—It was not.

Hon. Mr. SCOTT—That settles the question, I think.

Hon. Mr. MACPHERSON—I think not. Did Cooper, Fairman, & Co. tender in answer to that advertisement.

Hon. Mr. SCOTT—No.

Hon. Mr. MACPHERSON—Why were they called in then, and why were they awarded the contract at a higher price than Mr. Samuel asked?

Hon. Mr. SCOTT—Because the Government believed they could get the service done cheaper and better by Cooper, Fairman & Co. than by Mr. Samuel.

Hon. Mr. MACPHERSON—It was a case of manifest favoritism.

Hon. Mr. SCOTT—It was not. The Government have no interest in Cooper, Fairman & Co.,

Hon. Mr. MACPHERSON—I dare say the Government had not.

Hon. Mr. SCOTT—Nor any member of the Government.

Hon. Mr. MACPHERSON—I never accused any member of the Government of being interested in Cooper, Fairman & Co., but I repeat the charge that I made before, that in this transaction there was the grossest favoritism towards Cooper, Fairman & Co.

Hon. Mr. SCOTT—The hon. gentleman will not get the people of this country to believe that Mr. Mackenzie did not act in the interest of the Dominion in that transaction.

Hon. Mr. MACPHERSON—The more this subject is discussed, the more clear it will become to the people, that favoritism was shown to Cooper, Fairman & Co. I pointed out the other day that the country lost on that contract, through favoritism shown to the company in which the hon. Senator from Hamilton is interested, and Cooper, Fairman & Co., no less than \$24,000. When the hon. gentleman spoke on that subject, I thought he had been addressing the House seriously, until he gave the Government great credit for having accepted, in some cases, the lowest tender, and went on to show how much they had saved the country by refusing higher tenders for the service. The statement was worthy of Mark Twain. But he might have told of cases in which the Government had not accepted the lowest tenders, as in the case of this freight to which I have been referring, and he might have mentioned the Goderich Harbor job, in which the loss to the country through the Government not accepting the lowest tender, was about \$30,000. I gave a list the other day of four contracts by which \$80,000 was lost to the country in the same way. The hon. Senator from Prince Edward Island asked why we did not demand a committee

*Hon. Mr. Scott.*

to investigate those charges. I think the Government might very well propose a committee. I desire to allude to another point, and that is the agency of Cooper, Fairman & Co. for the Mersey Steel Company. The hon. Secretary of State said that Cooper, Fairman & Co. had not tendered for themselves for the supply of steel rails, but for the Mersey Steel Company. I see nothing in the returns to prove that assertion. I find among the parties who tendered for the steel rails, offering to supply the rails of the Mersey Steel Company, Cooper, Fairman & Co., Frothingham & Workman, Jones & Burland, Cramp, and Crawford; which means, simply, that the reputation of certain iron masters stands very high, and contractors offer the steel rails of those iron masters. It does not mean that the parties offering the rails made by the Mersey Company are their agents, but only that they will supply the rails made by the house named. The parties tendering may be selling either on commission for the makers in England, or they may be the buyers and sellers of the rails.

Hon. Mr. HOPE—Cooper, Fairman & Co. had no responsibility at all, they merely got their brokerage.

Hon. Mr. MACPHERSON—The hon. Senator from Hamilton said that Guest & Co. had intended to send their rails through the States, and to pay New York State canal tolls.

Hon. Mr. HOPE—The hon. gentleman misunderstands me. I never said anything about the tolls of canals in the State of New York. But I said the Government got 15c. rebate on every ton sent through the Canadian canals.

Hon. Mr. MACPHERSON—If a party tenders to transport rails from Montreal to Duluth, or any point in the west, and is silent about canal tolls, he must pay them. Guest & Co. were silent about the canal tolls when they offered to carry the rails from Montreal at four dollars additional per ton, and for insurance, sixteen cents per ton.

Hon. Mr. HOPE—In the case of Cooper, Fairman & Co., the tender was \$6.20, and you must take off fifteen cents for tolls. So far as the Canadian Government is concerned, they would only pay \$6.05 per ton.

Hon. Mr. MACPHERSON—And in the other case, does not the hon. gentleman see they would only pay \$4.01.

Hon. Mr. HOPE—No, no.

Hon. Mr. MACPHERSON—The tolls would have been the same in either case. Of course the tolls have to come out of the freight. The freight, &c., in one case, was \$6.20, and the tender in the other was \$4.16.

Hon. Mr. HOPE—If it were from Montreal it would be still more against Guest & Co., because the insurance would be 55 cents instead of 25 cents. The rails were to have gone by way of Buffalo. In their letter they stated the rate of insurance from Buffalo, and said from Montreal it would be double that price.

Hon. Mr. MACPHERSON—The difference between the tender of Cooper, Fairman & Co. and the tender of Guest & Co., is \$2.04. If Guest & Co. tendered in ignorance of the canal tolls, which they could not have done, it was their affair.

Hon. Mr. HOPE—I thought I had so clearly explained everything the other evening when I discussed this matter, that it would be unnecessary to refer to it again. I took all my figures from the returns before the House. With regard to Mr. Samuel's offer, I remarked that people very frequently tender for a portion of the work that the Government advertise for. This Mr. Samuel tendered for a portion only in this case; there was nothing said about teaming in Montreal, but the rails were to be delivered to him in Montreal. When Jacques & Co. could not team the rails fast enough, the Harbor Master placed teams at their expense and at greatly increased cost, to force the removal of the rails more rapidly.

Hon. Mr. MACPHERSON — Did Jacques & Co. get the contract?

Hon. Mr. HOPE—They had the contract in 1876, at all events. With regard to Mr. Samuel, his tender was that the rails should be delivered to him in Montreal, which I contend he might claim to be the Canal Basin, which involved cartage by the Government, and then the Government were to take delivery of them at Fort William or Duluth. That would have thrown upon the Government the cost of handling at Lake Superior.

*Hon. Mr. Macpherson.*

Hon. Mr. MACPHERSON—That is not in accordance with the advertisement.

Hon. Mr. HOPE—But he did not tender to do what the Government advertised for, and so far as Mr. Samuel's tender is concerned, the Government would have had to unload the rails at an extra cost.

Hon. Mr. MACPHERSON — Not at all.

Hon Mr. HOPE—The tender of Guest & Co. says "and the consignees are to unload."

Hon. Mr. MACPHERSON — Does Samuel say that?

Hon. Mr. HOPE—He says "the Department to take delivery of the rails at the port of destination." That means to take them out of the vessel. That is what Mr. Samuel would have expected; and, besides, he would have expected the Government to do the teaming in Montreal and to pay the insurance.

Hon. Mr. MACPHERSON—Where does the hon. gentleman find evidence of that?

Hon. Mr. HOPE—In the absence of any offer from Mr. Samuel to do that part of the work.

Hon. Mr. MACPHERSON—The Government had issued an advertisement and Mr. Samuel tendered in answer to it. If there was anything ambiguous in that tender, why did the Government not communicate with him?

Hon. Mr. HOPE—The Merchants' Lake and River Line were to get \$5 a ton net, and it did not matter to them whether Jacques & Co., Cooper, Fairman & Co., or Mr. Samuel got the contract, provided their boats carried the rails at the price named. After the \$5 per ton was taken out of the \$6.20 paid to Cooper, Fairman & Co., there was precious little left to them after all the charges were paid. With regard to Perkins, Livingston & Post, they merely remarked they could transport the rails purchased from Guest & Co. to Duluth. That meant by way of New York.

Hon. Mr. MACPHERSON—Where is the evidence of that?

Hon. Mr. HOPE—They quote the insurance from Buffalo, and say if the rails

were to be carried from Montreal the insurance would be double. In 1874 they wrote the following letter:

RUSSELL HOUSE,  
OTTAWA, 21st Nov., 1874.

"DEAR SIR,—I enclose despatch received from my New York firm, and it may suggest itself to you to make enquiries about the insurance from Montreal, and if this information is confirmed it is still another point in favor of the New York route and western delivery *via* canals and lakes.

"Yours very respectfully,

"(Signed,) H. A. V. POST."

"Mr. TRUDEAU,

"Deputy Minister Public Works."

That was before the Government had advertised for tenders at all.

Hon. Mr. MACPHERSON—The hon. gentleman is in error again. The Government invited tenders for the delivery of those rails on Lakes Superior and Huron in November, 1874. It is a pity that the hon. gentleman will not deal squarely with this matter. The Government invited tenders in the Autumn of 1874 for the supply of rails, and asked the parties tendering for them at what rates they would deliver the rails on Lake Huron and Lake Superior. In response to that, Guest & Co. offered to carry the rails for \$4.16 per ton (including insurance) additional, and Cooper, Fairman & Co., on November 14th, offered to deliver them at Duluth for \$5.60 additional. The hon. gentleman knows that very well. Is it not that very tender that the Minister remembered when he called upon Cooper, Fairman & Co. to transport the rails the following year?

Hon. Mr. HOPE—It was not until the Spring of 1875 that the Government called for tenders for the transport of the rails to the Upper Lakes. I have taken my facts and figures from the parliamentary return and I think I have not left the hon. Senators from Saugeen and Belleville a leg to stand on with regard to their statements respecting the transportation of those rails. Any hon. gentleman who will thoroughly and dispassionately consider the statement I have made, and read the printed documents on which that statement is based, will come to the conclusion that the Government got the rails transported at the lowest possible rates.

Hon. Mr. READ moved the adjournment of the debate.

*Hon. Mr. Hope.*

The motion was agreed to.

The House adjourned at 9:30 p.m.

## THE SENATE.

*Thursday, April 25th.*

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings,

### THIRD READING.

Hon. Mr. HAMILTON (Kingston) from the Committee on Banking, Commerce, and Railways, reported the following Bills with amendments.

"An Act to authorize the Stadacona Fire and Life Insurance Company, to reduce its capital stock, and for other purposes."

"An Act respecting the Ontario Express and Transportation Company."

The amendments were concurred in, and the Bills were read the third time and passed.

## CONFLICTING CLAIMS TO LANDS IN MANITOBA.

### MOTION FOR RETURN.

Hon. Mr. GIRARD moved:—

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a Report made to the Government by the Hon. A. Morris, Commissioner under the Act 38 Victoria, Chapter 53, on the putting into execution of that law and its operation in the Province of Manitoba."

He said: The Hon. Mr. Morris, late Governor of Manitoba, was appointed a Commissioner under the law passed by this Parliament in 1875 for the settlement of conflicting claims. It appears, that in putting that Act into operation, certain difficulties were encountered; it was exceedingly difficult to work, and one of the principle causes of this was the extreme powers granted to the Minister having control of the Dominion lands. It was a heavy responsibility to

place upon a Minister, and, at the same time, it caused uneasiness amongst the parties in Manitoba who were interested in the lands. It was very hard for the Commissioners to decide in any case that was not sent to them by the Minister. Up to the present time, we have not been able to obtain justice. During the present Session I have tried to have that law amended, but the Minister of the Interior was in the other House to check every effort I made. I believe a report has been sent in by the Commissioners appointed to carry out the law, indicating what could be done to render it operative. It is important for the Province of Manitoba that the land difficulties should be settled one way or another. We have suffered long enough, and we have had to come to this Parliament too often for protection. The difficulties have always been in the office of the Minister of the Interior, and I believe the question has not always been understood correctly. The Act respecting conflicting claims to lands in Manitoba, has been taken from the Upper Canada law, relating to the Crown Lands. But such legislation does not apply to the claims of people in Manitoba, who held their titles from the Hudson's Bay Company, and were living in the Province prior to the 15th July, 1870. It is the interest of the Government to have this matter settled, and I do not understand why every facility is not given to the people to get titles to their lands. I hope the Government will have no objection to my motion.

Hon. Mr. SCOTT—The hon. gentleman from Manitoba never rises to speak in reference to these Manitoba claims without having a fling at the Government. I do not think the matter at all justifies him in taking that hostile attitude. All gentlemen who have had any experience with regard to lands in new countries will come to the conclusion, that conflicting claims must arise. I am bound to say, more have been settled, in any one year, in Ontario, than have ever arisen in Manitoba since that Province became a portion of the Dominion. I know every effort has been made to settle those claims, because the natural desire of any Government is, to remove all imaginable grievances. Many of them are imaginary claims, and others are developed by circumstances, and have no just

*Hon. Mr. Girard.*

basis. No Government can have any possible motive to thwart the settling of any just or reasonable claim. No doubt, difficulties will arise in deciding upon those titles. It may not at all times be easy to bring the circumstances affecting them before the Minister in charge of the Dominion lands. But anyone who will look at the multitude of claims which have been settled already, will not believe that the Government are open to the charge which has been made against them. Our policy has been most liberal and generous, and I cannot see any just or fair ground for the criticisms of my hon. friend. With reference to the report of Mr. Morris, I have no objection to its coming down. I believe only eleven claims were settled through his instrumentality.

The motion was agreed to.

## INSOLVENT INSURANCE COMPANIES' BILL.

### COMMITTEE OF THE WHOLE.

Hon. Mr. SCOTT moved that the Bill, entitled "An Act for the winding up of Insolvent Incorporated Fire and Marine Insurance Companies," be read the second time. He said this measure was to provide for the winding up of Fire and Marine Insurance Companies under the provisions of the Insolvent Act of 1875. That Act did not include fire insurance companies, telegraph companies, or railways. This measure dealt with insurance companies very much in the same way as other incorporated companies, the only exception being that greater care was taken that the interests of the Company were not endangered, or their credit disturbed by the action of any policy-holder who wished to interfere with them. Two months must elapse before any such action could be taken.

Hon. Mr. CAMPBELL said that Bill would be a useful one, if circumstances should arise to demand it, but he was not aware that any necessity had arisen for dealing with Insurance Companies.

Hon. Mr. SCOTT said he understood an insurance company had applied this Session for legislation to be wound up, and it was desirable that there should be a uniform law for dealing with insurance companies in such cases.

Hon. Mr. CAMPBELL said what he wished to draw attention to was, that there was no necessity for a general Bill of this kind at the present time. And he wished to guard against the impression going abroad that the insurance companies doing business in Canada were not able to meet their engagements.

Hon. Mr. SCOTT— I know of only one case.

Hon. Mr. CAMPBELL said he believed the insurance companies were doing business on a sound basis, and did not require this Act.

Hon. Mr. DICKEY said the company which had made application to be wound up, was the Canada Agricultural Insurance Company. It was to come under the operation, not only of the general law, but also of any Act that might be passed during the present Session; and, therefore, the machinery of this Bill, now before the House, would be necessary in that instance.

The motion was agreed to.

The Bill passed through committee without amendment.

## PACIFIC RAILWAY ACT. AMENDMENT BILL.

IN COMMITTEE OF THE WHOLE.

Hon. Mr. PELLETIER moved that the House do go into Committee of the Whole on Bill (52) "An Act to amend the Canadian Pacific Railway Act of 1874."

Hon. Mr. DICKEY—I have an objection to the principle of this Bill which it would seem more fitting to state before going into committee. The Bill provides for giving power to the Government to grant a lease of this Pembina Branch, and also to make traffic regulations subject to the approval of Parliament. With reference to the provision to make traffic arrangements, I cannot see any possible objection to that, because I think it is a wise and necessary provision, when this branch is in operation; but as regards the power of granting leases, it appears to me that the provisions of this Act are premature and unnecessary, premature because the railway is not yet finished, and is not

*Hon. Mr. Campbell.*

likely to be, as we are told, before the end of the year, and the connecting lines have not yet been constructed; unnecessary, because the lease which it is proposed to give would only be binding after being submitted to the Legislature a year hence, and it would have no force or effect until after the next Session of Parliament. It appears to me this of itself would be a reasonable ground for the postponement of this Bill. I can appreciate the natural anxiety of the people of Manitoba to secure railway communication with the outside world as speedily as possible, but it seems to me it may be as well to consider whether they might not purchase that boon at too high a price, and whether they might not be yielding themselves up to a foreign corporation, holding this lease upon terms which may prove to be most onerous and exacting to the people of that country. I do not think it is necessary to refer particularly to the grievances to which the people of Manitoba and those going to that Province are subjected, in consequence of the practical monopoly now enjoyed by the Kittson Line, but it is quite certain if those persons, having already that monopoly, can also secure the monopoly of the all-rail route, they will practically command the situation.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—Under those circumstances it appears to me that the principle of the Bill is objectionable, and when we look at all the surrounding circumstances connected with this legislation, it is even more questionable whether this Pembina Branch Railway should be put in a position to be made the principal line of communication for a great many years to come, from the heart of Manitoba. I will not go over the ground so well covered by my hon. friend Arichat last night, but it is obvious the true policy of Canada in connection with this great national work is, that all rail communication should be completed from the Prairie Province to the west shore of Lake Superior, and this trade be carried through our own country to the ocean. It appears to me that the policy of leaving that gap of 180 miles open for years to come is a mistake.

Hon. Mr. SCOTT—Oh!

Hon. Mr. DICKEY—The hon. gentleman says "Oh!", but I take it from himself.

Hon. Mr. SCOTT—I said four or five years.

Hon. Mr. DICKEY—That is the shortest limit my hon. friend supposed would be necessary, but after the experience, we have had we may safely double that period.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—At all events, I am safe in saying it will be years before that gap will be filled up. No expression I can use can more correctly describe it, than to say it is a policy for which no reasons have been given—a policy of utter fatuity. We are to have communication to the American border, and are asked to pass a bill under which we offer to a foreign company—and for a very considerable time—the entire traffic of our great Prairie Provinces. Now, it appears to me, that is a policy which should not commend itself to this House, and I do say, under the circumstances, the Government ought rather to have expended their energies—and some of those notorious steel rails—in endeavoring to complete this communication through our own territory, and give the benefit of that communication to our own people, instead of leaving the rails to rust, and obliging us, probably, to commence a new course of policy by the time we get this gap of 180 miles filled up. That is the position which I take on this matter. At the same time, I am quite aware of the prevailing anxiety that something should be done to open up communication with the North-West. Guarding myself with this protest, I am quite willing to leave my views in the hands of the House. With regard to the provisions of the Bill itself, respecting the power of leasing, I confess I attach no importance whatever to the particular term of years mentioned. It seems to me it is of comparatively little consequence whether we make the term five or ten years, not only for reasons which are obvious to every one, but for the reason in the Bill itself—power is given to the Governor-in-Council to extend the term, subject to the approval of the House of Commons. I think it would be unwise on our part to put it in the power of the Government,

*Hon. Mr. Dickey.*

or of any person, to say the Senate had endeavored to interfere with, or cripple the Government by limiting the term of years, or to say that, had their legislation been accepted, and had they been given power to lease the railway for ten years, they might have made better terms. Under the circumstances, I hope my hon. friend from Arichat will excuse me if I suggest that he should not bring forward that amendment.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—With regard to the other section of the Bill, in the interests not merely of this House, but for the protection of the rights which belong to the Senate, and for the protection of the people of this country, we should insist that any lease to be made shall be subject to the approval of both Houses of Parliament. This is not a Bill merely for granting money which may come constitutionally, perhaps, within the purview of the other Chamber; but it is a Bill dealing with national property, and therefore it is that we, who belong to a constituent branch of the Legislature, who have a voice in measures affecting that property, should see that this Bill is amended to give to the Senate rights co-ordinate with the House of Commons. There is a precedent for this case; we took a stand on a Bill affecting the Supreme Court, and claimed co-ordinate power to examine the rules of the Supreme Court, equally with the House of Commons, and our constitutional right was recognized by that act. We should be abdicating our functions were we to leave the ratification of this lease to the House of Commons. We cannot escape the responsibility which attaches to us as one branch of Parliament. Under the circumstances I hope the House will not hesitate when the motion is made, to accept that amendment. But I do trust, if it be the sense of the House this legislation should pass, after the protest I have made, that at all events the House will see, it passes in such a form as at once to vindicate the constitutional rights of this House, and to protect the rights and interests of the people of this country.

Hon. Mr. GIRARD—I would feel very sorry indeed if serious obstructions were thrown in the way of giving the people of Manitoba railway communica-

tion with the outside world. It is unfortunate that so few facilities are afforded to those who desire to settle in Manitoba. If we go by the Thunder Bay route the difficulties to be encountered seem insurmountable; if we go by way of the United States, the communication is broken. A good deal has been said in this House of late on the subject of the Pacific Railway, and I have tried to ascertain the current of public opinion on the subject of the Pembina Branch. I have read the press of Manitoba and consulted with parties living there. They all agree that we must at any price have the railroad. I have more than once expressed the opinion that it seemed as if the Government were building our national highway in the interests of the people of the United States. I adhere to that opinion. So far as the Kittson monopoly is concerned, the only way to destroy it is to construct a competing line, but that would involve a very heavy expenditure. It has been said that the Pembina Branch might be connected with other line—the Northern Pacific or some line in Illinois. I do not think that would be possible for some years to come.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. GIRARD—I know if Manitoba had not been in existence the Northern Pacific Railway would not have been able to sustain itself; that is the opinion of those who live along the line of that road. It depends upon the Canadian trade which has yielded such large profits to the Kittson line. I shall read with your permission the following from the *Winnipeg Free Press*, the leading paper in Manitoba.—

“The popular feeling is that we want a railroad; and it is the bounden duty of the Government to secure that for us at the earliest possible moment. That they propose to do, and, in doing so, we have the assurances of the Premier that the interests of the people in the matter of freight rates will be properly protected. The natural connection of the Pembina Branch at the boundary line is the St. Paul & Pacific, and did the Government refuse to avail of possible fair working arrangements between these two roads, they would be censurable in a strong degree. (Manitoba has been languishing for rail connection ever since she had an existence, and those who would delay it beyond the earliest possible realization are not the friends of the country.) It was the bounden duty of the Government to close with the first fair offer of connection at the boundary line, whether that offer came from the St. Paul & Pacific or the Northern Pacific, and this it seems they

*Hon. Mr. Girard.*

are about doing. The apprehension sought to be raised by linking in the Red River Transportation Company is unwarranted. To begin with, the Red River Transportation Company and the St. Paul and Pacific are not identical—they are far from it. And even if they were, what would it amount to? Until such time as we have more than one outlet, some body of men must have the monopoly; and after all that has been said, and correctly said, of the freight rates to this country, a little investigation will demonstrate that the Red River Transportation Company were not the sole cause. The Northern Pacific, who control a portion of the route, participated proportionately. What does this indicate? Not necessarily that either the Red River Transportation Company or the Northern Pacific are naturally more avaricious than other commercial combinations, but that they simply obeyed a universal law of human nature. The high rates charged by these companies have not been a result of certain sets of individuals having the control, but a result of circumstances, of which all experience goes to prove any other set of men under like circumstances would have taken the same advantage. It is our misfortune that we are, and must remain, for some time at the mercy of a (not any particular) transportation monopoly; and it is a matter of little concern to us of whom that monopoly is constituted.”

The *Mctis*, a French paper, expresses the same view:—

“Ce qu'il nous faut c'est l'embranchement, et nous avons foi que nous l'aurons avant le mois d'octobre prochain.”

I understand from explanations given in the other House, that even if there should be a monopoly, the rates cannot exceed the average charges in Minnesota. That assurance, in answer to a question put by Mr. Kirkpatrick, was as follows:—

“Sir John thought the hon. gentleman must be aware of the disadvantage of trusting to one company, which would thus be given a monopoly. He asked was there no other line in the United States that would connect with Red River by constructing a branch.

“Mr. Mackenzie agreed that the arrangement would be attended with certain disadvantages, but there was no choice left in the matter. The Pembina Branch would be pushed forward as quickly as possible. Nearly the whole of the grading had been done. Everything was in readiness. The Government had waited in vain for a connection with any line in the United States, but not a word had come in the way of an offer, except from the one company, to operate the Pembina Branch or extend their line to the point on the boundary. It was a question of making the proposed connection or no railroad. It was found necessary to offer some inducements to obtain the connection. He

believed a lease of ten years would be the least that would induce the connection to be made with our line.

“Mr. Kirkpatrick said some arrangements would have to be made to keep down the rates of freight between Duluth and Winnipeg.

“Mr. Mackenzie said this would be abundantly cared for in the lease prepared, which, however, did not provide the rates for freight on the Northern Pacific. The rates on the Pembina Branch and connection would not be more than those charged on the rest of the St. Paul and Pacific, and would in no case exceed the average rate of freights in the State of Minnesota.”

Under the circumstances, I think there is no reason why we should be afraid of leasing the line. At all events, we have no alternative, and the position is quite acceptable to us in Manitoba. It will not place us in a worse position than we have been in for the last four or five years with the Kittson monopoly. That Company is a commercial association, and we cannot expect that it will work absolutely in the public interest. Any Company will look to its own interest first, and that is what the Kittson line has been doing. At the same time, I must admit in their transactions with the public they have been honest and upright. That they have made large profits is due to circumstances. I doubt whether the Railway Company, which leases the Pembina Branch, will reap such large profits. There is a great deal of risk in undertaking the running of that road. In the extract of the *Winnipeg Free Press*, which I have read, there appears the following: “That those who would delay that road, would be censurable in a strong degree.” I would not go so far as that, but the position in which we stand is perfectly understood by this House, I am sure, and everyone is desirous that we should have railway communication without delay. At the present time there are, on an average, 1,200 arrivals in Winnipeg every week, and it is easy to understand how rapidly our population is increasing. Before the end of the summer, about 40,000 souls will have been added to our numbers. I would not like to share the responsibility of leaving those people there without giving them railway communication. We do not stand as beggars before the Dominion; we have got provisions, but we have not provided for such

Hon. Mr. Girard.

a rapidly increasing population. Suppose there should be a failure of crops this year (which does not seem at all probable now) and we were reduced next winter to the old means of communication—the oxen and ordinary vehicles of the country—we might witness a famine there. I hope the House will recognize our isolated position, and deal with this question in a spirit of liberality. We cannot expect that the monopoly which now exists can be effectually broken until the road from Thunder Bay is completed. The Premier stated in the other House recently, that he expected that road would be in operation in three or four years. That is not my opinion, nor is it the opinion of anyone I have met, who has seen that country. There is not money enough at our disposal to complete it so soon. But suppose it could be in operation five years hence, that would put an end to the monopoly. I fear, however, that we need not hope for such results. The term of ten years for the lease does not appear to me excessive, in consideration of the great risk which those who may lease the line will have to run. It seems to me we cannot give them too much encouragement to undertake the management of that road. More than one man has gone to that country, invested his money and met with heavy loss. I hope those who undertake the running of the Pembina Branch will not have a similar experience. At present we have not population enough to make it profitable, and those who lease the line must look to the future for their profits. It seems to me that the lease should be submitted to both Houses for their approval. As the Senate has never been obstructive to what was right and just, I have no doubt this House, when called to do it, will give its approval to any reasonable arrangements into which the Government may have entered, for the operation of the Pembina Branch. I suppose the Government will not object to the proposed amendment.

Hon. Mr. SUTHERLAND—I think it is unnecessary for me to say anything in regard to the feelings in our Province with respect to the completion of this Pembina Branch. It will be readily understood by this House that we should naturally be exceedingly desirous of having speedy communication with the outside world. I should very much regret,

myself, if this House should by any means throw an obstacle in the way of that desirable object being accomplished. It may be said, that I am speaking merely in the interests of Manitoba. But what is in the interests of Manitoba will certainly, in this case, be in the interests of the entire Dominion. It has also been said, though not in this House, that other lines would be built, and it might be possible to get several lines to connect with the Pembina Branch. I do not think that is at all likely. I do not think there is any other company in a position to offer the same advantages which this company possesses. They already have their line partially constructed, and by a comparatively small outlay they can complete it at a less amount than would be necessary to build any other line. More than that, we have no reason to expect, for some years at all events, that we can get any better conditions than this company now offers. It may be said the present steamboat line is a monopoly. That I do not deny; and I do not stand up here to advocate the cause of any company. But in justice to them I must say, that the carrying of a ton of freight from Duluth to Winnipeg cost \$17, and out of that amount the Northern Pacific took \$9.50 as their share on the shorter part of the distance, and this monopoly that is so much talked of, got merely \$7.50 to carry the same ton of freight 115 miles further. So, I do not think we have any ground to condemn them as a monopoly, although, of course, under the circumstances, there is no doubt they have a monopoly. Then, on the other hand, if they should not get this line—and I do not think they are over anxious to have it—they have the key to the position at all events, and they will have all the trade. Therefore, on these grounds I think it would be exceedingly advisable that no obstruction should be thrown in the way of the speedy completion of the road. For my own part I am quite willing to leave this matter of arranging for the lease of the road in the hands of the Government, and let them be responsible for their action to Parliament. As regards one of the amendments proposed by my hon. friend, that is, the submitting of the lease to this House for its ratification, I should hope there could be no very serious objection to such a proposition.

*Hon. Mr. Sutherland.*

Hon. Mr. FERRIER—Did I understand my hon. friend to say what connection this Pembina Branch is to form.

Hon. Mr. SUTHERLAND—I think it is the St. Paul and Pacific that is said to meet this Pembina Branch.

Hon. Mr. SCOTT—It is the St. Paul and Pacific.

Hon. Mr. PELLETIER—I fail to see the object the hon. Senator from Amherst may have in asking to postpone the Bill for another year. He says it is not likely this branch will be completed for a long period, and therefore it is unnecessary to pass the Bill this Session. We are not asking extraordinary powers, and I do not believe that the hon. member need be afraid that we will make any extravagant bargain, as we are so often told in this House, with any company that may undertake to lease the road. Nothing will be binding until the lease receives the approval of the House of Commons. I am glad to see that the representatives of Manitoba accept the Bill as it stands, as to the length of time mentioned for the lease, and that they see the necessity of giving the Government power to enter into such arrangements. If the Bill were postponed for another year the Government would be prevented from making any arrangement. The branch will be completed by the end of September next, and it will be connected with a road in Minnesota in due time. If the Bill were postponed there would be several months lost before the people of Manitoba would have railway communication with the outer world.

Hon. Mr. FERRIER—What time do the Government expect that the road will be completed?

Hon. Mr. PELLETIER—We expect the two roads will be connected by September or October next—at all events, before another Session.

Hon. Mr. SCOTT—This fall.

Hon. Mr. PELLETIER—I am glad that the hon. Senator from Amherst suggests the Government be allowed to extend the lease for more than five years, if they deem it necessary. As to submitting it to the Senate for their ratification, while I do not anticipate any undue obstruction on the part of this House, it would certainly be against

the rule which has been followed until now to admit such a principle. I see no reason why the ordinary rule should not be followed in this case. I do not believe the Bill would pass if it were so amended, and I hope the hon. gentleman will not insist upon his motion.

Hon. Mr. SCOTT—It would strike at the whole principle of the Bill. Of course, if the amendment were carried the Bill would immediately drop.

The House then went into Committee, Hon. Mr. Wilmot in the Chair.

Hon. Mr. MILLER—I gave notice, on the second reading of this Bill, that when the House went into Committee I should move certain amendments, and I now intend partly to carry out that purpose. I shall not, however, move any amendment with regard to the ten years' limit of the proposed lease. On consultation with my hon. friends from Manitoba, and after full consideration of their views, and on further consultation with other hon. gentlemen on this side of the House, I have concluded not to propose an amendment to that portion of the Bill. But we did and do yet think, that it is only right and proper that the Bill should be amended to provide that any lease which may be made of this branch of railway to any company shall be submitted to this House for ratification, as well as to the House of Commons.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—My hon. friends who have preceded me have so fully entered into the discussion of that point, that it will not be necessary for me to extend my remarks, with reference to it, to any great length. There are one or two points, however, upon which I desire to state my views briefly. We are asked by this Bill to give power to the Government of the day, to lease the Pembina Branch Railway. By asking us to give that power, it is conceded, of course, that it is necessary for the Government to get, from the three branches of Parliament, authority to do so. We are asked to give power to the Government to lease the contemplated branch railway, when it is constructed, to a company, subject only to the approval of the House of Commons. Now, I believe it would be only proper and fair to this House, that the Government, if

Hon. Mr. Pelletier.

they knew the terms on which they would give that lease, should have embodied them in the Bill, and taken the opinion of Parliament on it. That is what would have been the candid course, but it is intended to take from us, by Act of Parliament, our legislative functions, and to vest them in the House of Commons. I do not see why, if it is necessary that this House should have no opinion with regard to the leasing of this road, and should not be called upon as well as the other House to pass an opinion upon the terms on which the lease should be given. On principle, I say, we should not allow ourselves to be deprived of our rights by blindly legislating away our own power, either on this, or any other measure, to the House of Commons. It is bad enough in principle for Parliament to give to the Government power to make orders and regulations in unavoidable cases respecting the public service, but it is more unfair still to either branch of the Legislature, to ask that it should legislate away its right to supervision over any subject of public concern to the other House of Parliament. What would be said if the Government introduced a Bill giving themselves power, say, to do this very act, and should make it contingent upon the ratification of the Senate alone, without reference to the other House? They certainly would not do so; and I see no reason why we should confer on the House of Commons, in such a case as the one before us, the power which we possess as a portion of Parliament. It may be said that it is not a usual thing for the Government to require the approval of this House on contracts entered into by the Government, in relation to the public service. I am ready to admit, with my hon. friend who has this measure in charge, that, perhaps, as a general rule, in relation to the administration of public affairs, and in relation to the making and entering into, and carrying on of ordinary contracts, such, for instance, perhaps, as carrying the mails, or anything of that character, when you cannot in advance know what the terms ought to be, and where it is, after all, only a matter of price or quantity, and where the contracts are contingent on the payment of money by the Government—a subject over which the popular branch has special charge—in such a case as that, it

might, perhaps, be inconvenient to require the approval or ratification of both branches of Parliament of the conduct of the Government. I am not prepared to say that I would insist upon such ratification in all instances, but this is not one of those cases in which we should abdicate our functions in regard to it. This is a case involving an important question of public policy. What are the facts? We are spending a large amount of money with a view to opening up that great North-West country. We are assuming a heavy burden of taxation with a view to having ultimately recouped to us a portion of that large disbursement by means of the trade of the North-West. We expect, when the country becomes settled—when it is opened up by our own railways, that it will contribute largely towards repaying us for the outlay which we are now making upon it. Therefore, this Senate can be called on to discharge no greater duty, and it has no greater trust reposed in it, than to see that the future trade of that great region is not diverted from its national channel to a foreign nation. We all know, in the infancy of a country, the channel which its trade is likely to adopt is almost sure to become permanent, and it is with extreme difficulty afterwards that the current can be changed. Hence, it is the duty of this Parliament to see that, in connection with this, the national interests of the Dominion are not sacrificed by allowing the trade of that country, at the present time, to take a direction from which it may not be diverted for one hundred years to come. I say, therefore, that this is not an ordinary contract, but one which involves national interests of a high character, which it is the duty of this House to see properly protected. It is for that reason I think this should fairly be made an exceptional case, and that this House should be allowed to have a voice in the ratification of the proposed lease. We know in the passage of the Railway Act some years ago power was taken by the Government to enter into contracts relating to the Pacific Railway, subject only to the ratification of the House of Commons. I believe the policy of that Act was wrong; that all such contracts should have been subject to the ratification of this House also, because contracts growing out of the con-

struction of the Pacific Railway were not such as are ordinarily entered into by the Government in carrying on the public service. If the Senate had reserved to itself the right, as it should have done on that occasion; if we had not legislated away our right to supervise all the contracts of the Pacific Railway; if we had not, in fact, legislated away our functions, to the House of Commons, I ask would that unfortunate contract for the building of the Georgian Bay Branch, and other unwise contracts which have entailed loss on this country have been consummated? If the Government had known they would have had to come to this House to obtain the ratification of these contracts, I am sure greater care would have been exercised and greater vigilance would have been shown by the Government, from the knowledge that they would have to obtain the sanction of this branch of the Legislature, and very great benefit would have accrued to the public. As this question has already been discussed very fully, I shall not detain the committee much longer, but I do hope that my hon. friend, on re-consideration, will have no objection to allowing the Bill to pass in the amended form I have suggested. I have, at the instance of gentlemen in both branches of the Legislature, who ought to be acquainted with the public sentiment and wants of Manitoba, agreed to withdraw my opposition to the limit of ten years, on condition that this House would have an opportunity, at some future period, of passing upon the lease which the Government may be disposed to make of this railway. I do not wish to say anything unpleasant with regard to this subject. I would rather deal with it on broad principles, but I cannot shut out of view that it is supposed this Bill is intended to favor the interests of gentlemen who are known to be very friendly to the present Government, and to possess large influence with them. I do not say there is any correctness in these suppositions, but I do say such rumours are abroad, and the very fact that they are should make the Government more anxious that the lease should undergo the supervision of both branches of the Legislature. But my chief reason for desiring the amendment I am going to press, is that I do not think it is right for the Senate of Canada in rela-

tion to a question connected with the public policy of this country, and the highest interests of the Dominion in the North-West, to legislate away the legitimate control into the House of Commons over this subject, and place the country at the disadvantage of any arrangement which the Government think proper to submit to the House of Commons for their approval. With these remarks, I move that all the words after "line" be left out in the twentieth line, and the proviso be made to read as follows:—

"Provided, that no such contract for leasing the said branch railway shall be binding until it shall have been laid before the Senate and House of Commons for one month, for the approval of both Houses, unless sooner approved of."

Hon. Mr. SCOTT—The proposition that has been submitted by the hon. gentleman who has just taken his seat, is one that is entirely new under our system of Government, and I think it must be obvious to every gentleman who reflects upon it for a moment, that it entails this consequence—that any Government which rules in this Dominion must have a majority in both branches of the Legislature, if its executive functions are to be controlled by the Senate; otherwise, its administrative functions are necessarily crippled. We need go no further than the very case under discussion for an illustration. Is it not within the recollection of every gentleman who hears my voice, that the policy of this Government, with respect to the building of the Pacific Railway, from its inception to the present day, has met with the condemnation and censure of this House? No one step could have been taken in this House had the Senate been able to control the action of the Government, in giving out contracts with regard to the Pacific Railway, that is, provided also, that action had been in the direction that the Senate has given expression to; whether it was through the Chief Engineer and his staff or not, every particular action of the Government, from the beginning to the end, has met with the condemnation of the Senate. I have not heard the first note of approval up to this hour, when it was given by my hon. friend from Manitoba, of any act of the Administration in connection with the Pacific Railway. Our action in reference

Hon. Mr. Miller.

to the surveys on the Pacific Coast, our action in relation to the location of the line between Lake Superior and the Red River—

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. SCOTT—The hon. gentleman says "hear, hear." He condemns it *in toto*. He has taken a very strong ground against it. He thinks he is right; I think he is wrong. Another hon. Senator (Mr. Girard) thinks the line west of Selkirk should have been located south of Lake Manitoba, instead of where it is; and he has been sustained by a majority of this House. I would agree with him if the road were not intended as an all-rail route to the Pacific, and I should have been very glad if the engineers had been able to find a line south of Lake Manitoba, that would have met their views in reference to a through route, to enable them to make that diversion. But, the northern route has been condemned over and over again. Gentlemen have taken the *ipse dixit* of those who, practically, knew nothing about it as against the evidence of the engineers. The gentlemen from British Columbia are sustained in their views, with reference to the location of the line in their Province. Whether it be Bute Inlet or Burrard Inlet, it makes no difference, so long as an opportunity is afforded to condemn the Government. My hon. friend opposite smiles.

Hon. Mr. CAMPBELL—I smile at the melancholy tone of the hon. gentleman.

Hon. Mr. SCOTT—It is unfortunate this Senate has taken such strong political grounds against the Government, that no one act, however unimportant, that the Government submits to it, meets with its approval.

Hon. Mr. HAVILAND—What about the Temperance Act?

Hon. Mr. SCOTT—I am speaking of the Pacific Railway. If the Government in 1873, had dismissed Mr. Fleming and his staff, there might have been some reason for this hostility. It was known their political feelings were strongly against us. We had evidence from many sources that they would embarrass us, but we believed

in the integrity and honesty of Mr. Fleming and those under him, and the Government made no change. Had there been no change in the Administration, those engineers would probably have located the line just where it is to-day, because no Minister having charge of a Department, more particularly the Public Works Department, could be expected to go and examine personally the several routes, and ascertain the topography of the country in British Columbia and the great North West. It was impossible that the Government could be bound by any opinions but those of professional men, who, it was to be supposed, were guided in the selection of the route, by their experience, and by their belief that they were selecting a line in the best possible position for the people of this country. I lay that down as one of the reasons why it would be unfair on the part of this House to tack on to this Bill the provision that the mere making of a contract for a term of ten years with this company that professes to make connection with the Pembina Branch, should be approved of by this Chamber. I say it is a departure from the principles which have been recognized under our system of government; and it will make that system practically impossible, unless the Government of the day should be sustained by a majority in both Houses of Parliament. The practice of having contracts sanctioned by the House of Commons in this country, was, I believe first introduced by this Administration, and it is following the practice introduced during the last fifteen years in England, that this policy has come into force in this House of late years. Large contracts which involved an expenditure, in many cases greater than the amount voted for the particular services by Parliament, were submitted for the sanction of the House of Commons, and the reason was this: where a contract was entered into for an amount in excess of the Parliamentary appropriation, it was considered only proper that the House of Commons should have a right to pass upon the contract as they had the control of the purse strings. *Todd* lays down that principle very clearly. He says:

“An important question has arisen of late years with regard to contracts to be entered into between any Department of the executive

*Hon. Mr. Scott.*

Government and other parties, for the performance of any work or service which has been authorized by Parliament to be undertaken. It is manifest that the responsibility of entering into such contracts properly rests upon the executive alone. But it is equally clear that the Government have no constitutional authority to make a contract which shall be binding on the House of Commons, by whom the necessary funds for carrying on the contract must be supplied; and that if any contract be entered into by any executive department or work to be performed, the cost of which will exceed the amount already voted by Parliament for the service to be contracted for, such contracts should expressly state that payments on behalf of the same would be made ‘out of moneys to be voted by Parliament;’ and, in addition thereto, a copy of said contract should be laid upon the table of the House of Commons for one month previous to its going into operation, in order to afford an opportunity to the House to express its disapproval thereof, if it should think fit to do so.”

\* \* \*

“In fact in the Session of 1862 the Constitutional control of the House of Commons over contracts received a still more extended application. In a previous Session (that of 1860) the House had resolved to grant the sum of two million pounds to construct necessary works for the fortification of the British Coast; and, in 1862, a Bill was brought in to provide for a large portion of this expenditure. On July 10, in Committee on the Bill, a clause was proposed by Sir Stafford Northcote to declare that any contracts to be entered into by Government for this service, which involved the expenditure of a larger sum than that which had already been voted by Parliament, must be previously approved of by the House of Commons. The Ministry, at first, opposed this clause. The Chancellor of the Exchequer remarked that ‘the practical wisdom and the good or bad economy of such contracts was a matter on which the House of Commons, as a deliberative assembly, had not the opportunity of forming an opinion in the same way as the Executive Government; and it was not according to usage that the Government should be able to relieve itself of its special responsibility with regard to these contracts by a resolution of the House of Commons. The responsibility of the Government would be better preserved by giving the House the power of interfering with these contracts before they became valid, than by asking the House to approve each of them by a resolution.’ On a division, the clause was negatived by a majority of five. On July 14, however, the Ministry announced their acceptance of this provision. It accordingly appears in the Statute to the following effect:—That it shall not be lawful for the Secretary of State to enter into any contract involving the expenditure of any sum greater than that for which the authority of Parliament has been specifically obtained, without inserting therein a clause requiring that such contract shall not be binding until it has lain for one month on the table of the House of Commons without disapproval, or be formally approved of within

that period. The object of this clause is not to insist that every contract entered into by Government for the construction of these works shall be first submitted for the approval of Parliament, but that no such contract shall be made for a greater sum than has been actually voted without the previous knowledge and consent of the House of Commons, so that the Government may not be able to bind the House in such a way as to prevent entire freedom of action whenever a further appropriation is required."

That course has been followed in our Pacific Railway contracts.

Hon. Mr. MILLER—That is the principle which we lay down in this amendment.

Hon. Mr. SCOTT—My hon. friend knows very well the Government is charged by law with the regulating of the tariffs of all railways in the country, and there is no possibility of any railway, by the existence of a monopoly in any direction, charging more than is reasonable and fair, as the tariff can be controlled by the Governor-in-Council. The whole of Mr. Todd's remarks indicate that these contracts should be submitted to the House of Commons only. I have looked through his book, but I find in only one case was a contract laid before the House of Lords, and in that one the circumstances were peculiar. It was the case of contracts in connection with the fortifications at Dover and Portsmouth, involving an expenditure of two or three millions sterling. The popular branch claim the right of having those contracts submitted to them, inasmuch as they furnish the money. The reason I have adverted to the very strong ground taken by the majority of this House against the policy of the Administration will be illustrated by what I am going to say. Parties would be slow to deal with the Government in the construction of the extension from Glyndon to the boundary, unless they were certain the Government would be sustained in any contract entered into with them. They would feel it would be unsafe to make a contract with the Government if it had to meet with the sanction of this House. That is a very strong ground to take, I admit, but I can only appeal to the experience of the last three or four years to confirm what I have said. In no case has this House accorded to the Government feelings of honesty or sincerity.

Hon. Mr. Scott.

Day after day I have heard in this House the words "favoritism," "incapacity," "bungling," and "corruption," words which are usually confined to more tumultuous assemblies. But when an attempt is made to have those charges brought home, hon. gentlemen opposite say "we do not mean that Mr. Mackenzie is guilty of corruption," but unfortunately the words are used. I do feel, and I have felt for a long time, that it was really lowering the tone of this House to lend itself to influencing public feeling outside, by making charges of that kind against the Administration. But it has been the practice here, and more particularly in the debate that has been going on from day to day, dragging its "weary length along." Therefore, I say, it is highly improbable that this body of individuals who propose building this extension, would come into the arrangement if the sanction of the Senate had to be obtained while this Administration holds power. The building of this Pembina Branch is a work to which the Government, very soon after coming into office, gave their attention. They entered into a correspondence with the companies which controlled the lines south of the boundary—the Northern Pacific, running from Duluth to Bismarck, and the St. Paul and Pacific, running almost at right angles with the Northern Pacific, and crossing at Glyndon. The position of the Northern Pacific at that time was hopeless. It had been chartered in 1864, with a handsome grant of 47,000,000 acres of land. Since 1864, just 555 miles of that road and its branches have been built. Seven millions of acres of the land grant was in Minnesota, and the balance was in the States and Territories west of that. The bonded debt of that road, with the short distance they have built, is \$30,000,000. It has passed out of the hands of the original company. It was practically impossible to have done anything with that road. The St. Paul and Pacific is in practically little better condition. I am informed it has been in very deep water, and is quite unequal to undertake any new obligation. The Government, therefore, were reluctantly compelled to stop any further work on the Pembina Branch, because everybody must know it was perfectly useless

to build a road to the boundary line. The Kitson monopoly would not have been defeated, and therefore it would have been spending money for nothing. That is the reason why we were so anxious to make arrangements with the Minnesota Company for completing the building of the extension on the southern side of the boundary. Some four or five months ago, a number of gentlemen, (I do not know the details, and, therefore, I can only speak on this branch of the subject in the most general way) negotiated with the bondholders for the extension of the line, but, with this proviso, that they should make arrangements with the Government of Canada for the exclusive connection with the Pembina Branch. They informed the Government of Canada, unless we made such an arrangement with them, they would not venture to extend the line to the boundary, because, unless they were sure of the traffic on the Pembina Branch for 21 years, they would not be justified in building the line to the Canadian frontier. The Government felt it would be idle to submit a proposition of that sort to Parliament; that it would be hopeless to induce the people of this country to believe that the road should be locked up for 21 years. There was a feeling that it might seriously detract from the future traffic of the Pacific Railway, between Lake Superior and the Red River. It was with great reluctance that proposition had to be abandoned.

Hon. Mr. FERRIER—What is the number of miles to be built in Minnesota?

Hon. Mr. SCOTT—I believe twenty-nine.

Hon. Mr. FERRIER—I understood it was upwards of seventy.

Hon. Mr. SCOTT—I am not sure, but I think it is 105 miles from Glyndon, where the St. Paul & Pacific crosses the Northern Pacific, and it is extended a considerable distance north of that. The Government had a good deal of correspondence, and stated they would be willing to entertain a proposition to give the company either a lease or running arrangements for a period of ten years. The company reluctantly consented to entertain that proposition. The lease or the running arrangements would be immaterial to us, except in this

*Hon. Mr. Scott.*

particular—giving the lease would relieve the Government from any responsibility, consequent upon rolling-stock and other details. If running arrangements only were made, the Government necessarily would have to furnish locomotives and other rolling stock, depot grounds, &c. There was that distinction between the two propositions. It was believed, and no doubt correctly, that a private company could manage such matters more economically than a Government, and therefore it was desirable that the lease should be effected with the company, and that they should take the entire management of the road and run it. As to their putting up rates on the northern end of it, that would be quite impossible; because the Governor-in-Council, under our law, can control those rates, and prevent them charging anything exorbitant or extravagant. But the Government considered it was their duty to provide further, and they have made provision to regulate the prices so that they would not be excessive to the Northern Pacific. Of course the idea suggested itself, as has been very properly observed by one or two gentlemen in this House, that the company is tempted to go into this arrangement, partly with the hopes of getting the Manitoba traffic. There is no traffic except that, and they are driving the best bargain they can to secure it. Hon. gentlemen know we cannot have the all-rail route communication from Lake Superior in a shorter period than four or five years, and therefore it would seem an injustice that the people of Manitoba should be debarred of this opportunity of having railway communication for a long period. Then it must be remembered that our present route through Canadian territory, even when completed, will only be a summer route. And we must make provision for having access to the North-West in the winter. Therefore, it is the more necessary that some arrangements should be made with one of the Minnesota railway companies; and this company is the only one that can come forward and make a proposition. There has been imported into this discussion—because no discussion takes place on the Pacific Railway, that the Government does not get a rap for some blunder—the charge that a very great expenditure has been incurred, be-

cause the Government commenced to build the railroad at both ends. It so happens in that particular country, the centre of the road is totally inaccessible, and the Government thought (although they do not get credit for it) that the building of the road would be largely facilitated if they commenced at both ends simultaneously, and worked towards the middle. In that way different contractors were enabled to go on at the same time. The Intercolonial Railway was commenced to be surveyed in 1864. The country through which it passes was inhabited, with, perhaps, the exception of a gap of 100 miles in the centre, and its route was known. Still, though it was commenced in 1864, it was not opened until 1876.

Hon. Mr. DICKEY—The surveys were commenced in 1869.

Hon. Mr. SCOTT—I still hold to what I have stated.

Hon. Mr. DICKEY—If the hon. gentleman wants to go back to the first surveys, they were commenced in 1849.

Hon. Mr. SCOTT—I am not going back so far as that. If we put the construction of this link between the two ends of the section, between Thunder Bay and the Red River, at five years, we will even then have built the road, in that inhospitable country, with all the embarrassments attending it, in less time than the Intercolonial Railway was built. And if the remaining part costs no more—and I believe it will cost considerably less—we will have built it for, at least, \$10,000 a mile less than the Intercolonial Railway cost.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. SCOTT—If the hon. gentleman analyses the present contracts he will find I am borne out.

Hon. Mr. MILLER—The same kind of road?

Hon. Mr. SCOTT—I grant you it has not the iron or stone structures that you find on the Intercolonial Railway.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—But the expense

*Hon. Mr. Scott.*

of adding them will be considerably diminished if they are built after the road is completed, for it will be easy to get materials in without having to pay \$18 or \$20 a ton, as we have now to pay for carrying rails. Hon. gentlemen who look at this question ought to place themselves in the position of the Government, and to consider the extraordinary character of the country, and all the difficulties that had to be dealt with—a country entirely new, a country that, ten years ago, no man in Canada could have had the most remote idea of—a country which was known only to Indians and trappers. This Government is blamed and found fault with for every little detail in connection with that work. I say it advisedly, that it will be built for \$10,000 a mile less than the Intercolonial Railway cost the country, and that the addition of the iron and stone will not make that difference. If we have lost one million of dollars on the steel rails, we have gained five millions of dollars in the construction of the works.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—It has not been all loss. Gentlemen ought to consider that if the price of material has fallen so has the price of labor; and contracts given out by this Administration, if they had been signed five years before, I am within the mark in saying, would have cost five millions of dollars more than they do now. It is not all national loss to this country. There have been some compensating advantages in that particular direction. I think hon. gentlemen, in discussing this question of the Pacific Railway, ought to recollect the facts in connection with the building of the Union Pacific and the Northern Pacific. The Northern Pacific, with all the advantages it had, running from Duluth, a large city with a great trade, in 14 years has only built 555 miles of its 2,000 odd miles to carry it to the Pacific Ocean, although it had an enormous land grant. If we compare their debt with the cost of our road it would be found that they have paid double what we are paying. Their debt is some \$33,000,000, and practically the Company went into a state of collapse, and a receiver was appointed, and they were not able to go on, even with all the advantages they possessed.

Hon. Mr. MILLER—It is all right now.

Hon. Mr. SCOTT—It is in the hands of the bondholders. It was sold under a foreclosure suit, and bought in by the bondholders, and I suppose the stock has been pretty well watered. I desire here to correct a statement that has been made very frequently of late, in reference to the policy of the Government. It has been assumed, because the Government were anxious to push on this work before the time came for public competition, that we ultimately intended to construct it as a public work. I have explained already that we have no such intention. We felt from the experience gathered in 1872 and 1873, and from the experience gathered in other countries, it was perfectly hopeless for the Government to expect to get a company to build that line until something was known of the country through which it was to be constructed. I deny that Sir Hugh Allan was defeated by any action on the part of those who are now in power. Sir Hugh Allan, and those who went with him to England had every opportunity in the London market to float their scheme. They had the support of the Finance Minister of the day, and his alliances in the City of London, and they came back perfectly satisfied it was hopeless to float any such scheme. When they did so, the Government of this country allowed them to withdraw the \$1,000,000 deposit they had made. This Government felt convinced that it was perfectly futile for this Administration to have launched another scheme, after that experience. We would have been accused of trifling with the subject, we would have been laughed at and ridiculed, we would have been told that we failed to learn by experience, and that we simply desired to defeat the construction of the road. Knowing the irritation in British Columbia was growing, and moved by the taunts in this Parliament from the Opposition—because the feeling in this House in 1874 and 1875 was, that we were not going on fast enough with the road—we made every exertion to find the best route between Lake Superior and the Pacific Coast; and we did everything by the same officers that had been employed by the late Administration. The Government had no reason to find fault with them or to doubt their integrity or capacity.

Hon. Mr. Scott.

They had to be guided largely by them, as any administration would have to be guided by its officers in deciding such questions. We acted only under the advice of those who had visited the route, and could speak authoritatively from personal observation, and from a professional stand-point. It is an easy matter for those who are not experts to criticise and condemn. The material is furnished the moment you get a report. Any ingenious mind can point out where mistakes and blunders were made by officers of the Government, if they have been made. I deny they have been made in this case. I say, therefore, the Government, acting under what they believed was the feeling of the people of this country, that the route should be completed at the earliest possible date to the Pacific Coast consistent with our means, as soon as they felt it was judicious and prudent to decide upon the adoption of a route recommended by the engineers, put those portions under contract between Lake Superior and the Red River; but always with the understanding which has been explained every time this question has come up, that it would ultimately be the policy of the Government—so soon as they could feel certain in so important a matter that the best route could be ascertained—to call for tenders for the completion of the whole line. Those portions under way were to be taken from the contractors, and all contracts that have been given out have been made with this condition, that it is open whenever the Government can get parties either to take the whole line, or to take it in sections, that they may assume the contracts that are at present under way. It would be manifestly improper and unjust to the people of Manitoba, and it would be the best evidence of insincerity on the part of the Government if, up to the present time, they had withheld the work of construction between Lake Superior and Red River. They might fairly have said, until the whole line was located, the road should not be placed under contract.

Hon. Mr. MILLER—That is not before the Committee.

Hon. Mr. SCOTT—It has been before the House frequently; it was before the House yesterday, and will be again this evening. It has been *par excellence* the

subject under discussion this Session. I desire the House to understand this point—that the reason the Government put those portions under contract was because they did not want to postpone, until too late, the period when they would have an all-rail route from Lake Superior to Red River; and one of the clearest evidences of their sincerity was that they put at once under contract those portions which were accessible. Some gentlemen have urged that we should have commenced at only one end. That would have taken double the time. The interior of that country is totally inaccessible except by the railway.

Hon. Mr. MACPHERSON—Would it not have been better to have built it all from one end?

Hon. Mr. SCOTT—It would not have been worked so advantageously. You could not have put two sets of contractors to work. As it is now, you can duplicate your forces.

Hon. Mr. CAMPBELL—We were told you would not go on with the middle section for one or two seasons.

Hon. Mr. SCOTT—That is because we could not get there.

Hon. Mr. CAMPBELL—That was not the excuse given.

Hon. Mr. SCOTT—Did I ever say that the construction of that road would be postponed later than five years?

Hon. Mr. CAMPBELL—The hon. gentleman did. Certainly, the Premier said in the other House, that a series of years would elapse before it would be constructed. He conveyed the impression that fifteen or twenty years would elapse.

Hon. Mr. SCOTT—My recollection of the circumstance was that he put it at five years. I say again it will then be completed, notwithstanding the disadvantages under which we labor in building the road through that inhospitable country. I maintain the work can be carried on doubly as fast by beginning at both ends, as it could be if the work were commenced at only one end.

Hon. Mr. MACPHERSON—The cost seems to be no consideration.

Hon. Mr. SCOTT—The cost is not increased, but rather diminished, when

*Hon. Mr. Scott.*

you work at both ends. There is simply the increased cost of taking your supplies and material to Manitoba, but against that you have got to consider the number of contractors at work. If you have two or three commencing at one end, they must be in each others way. Unless you have rails laid a certain distance, the contractor of say the second forty miles, has got to carry all his provisions and supplies over the first forty miles, and, therefore, I say the construction at both ends will diminish the cost. That has been the sole prompting motive of the Government in going on with those works. It was because they did not want to be accused of retarding the construction. We would then have an opportunity of saying to the capitalists, "You can take it as a whole, or in sections." I owe the House an apology for having digressed from the subject before the Committee, but I do regret that hon. gentlemen, when they get up, condemn the Government on all occasions. However, I suppose, "out of the fullness of the heart, the mouth speaketh." We have got to consider that within five years—it may be less, but I think five years might be the limit—the all-rail route will be completed between Lake Superior and Red River, but I think it would retard very seriously the progress of Manitoba and the North-West if the inhabitants there were debarred from having communication with the outer world during that long term. They raised an excess of wheat last year over what was required for consumption, and some was exported. I am glad to see the wheat has found its way, not only to New York, but to the other side of the Atlantic. If the growth of cereals is to be increased in that country, the greater will be the necessity for having some outlet for them. This extension of the road to the frontier will give them an outlet, and it will not seriously embarrass the building of the road from Lake Superior to Red River. Our route can successfully compete with any other. It will have advantages in point of grade over the road by St. Paul's or Glyndon, and it will be shorter. There seems to be at least two rival companies, between the frontier and Duluth. Assuming that the export or import trade, as the case may be, of Manitoba, has to pass through Duluth, (and it will probably be the quick-

est way), our road will still have great advantages over that route, for the reasons I have given, and, inasmuch as there will be but one connection, I do hope, if not for the reasons which I have urged, at least for the constitutional reasons which I have laid before the House, and which, hon. gentlemen will see, if not recognized, would seriously embarrass any Administration in its executive functions, that the amendment will not be pressed. It would necessarily involve the Government being sustained in this House. I should be very proud indeed if this Senate thought proper to confirm the action of the Government; but I do fear, from my experience, apart entirely from the constitutional question, that this amendment, if adopted, would seriously embarrass any arrangements we might have the opportunity of making with this company. The hon. gentleman, who addressed the House so eloquently, and went into this question with such admirable judgment from his own standpoint, said the Government ought to be in a position to explain the details now. The Government are not in possession of the details. In a transaction of this kind, as everyone knows, there are preliminary negotiations—negotiations to ascertain whether it is possible to deal at all—and this Bill merely gives the Government power to deal. We ask Parliament to authorize us, either to make a contract for a lease, or to make running arrangements with that Company, whichever may be most suitable. The Government will take care to make the best arrangements they can for reasonable tariff rates. We shall, of course, in making the arrangements with that company, know what their tariff rates are to St. Paul or Duluth, and no higher charges will be imposed upon goods, either coming from or going to Manitoba, than they impose on goods passing over other parts of their lines. As long as they do not discriminate against us, of course we shall have no cause of complaint, and so long as we get the same tariff arrangements as the people living either along the line of the St. Paul or the Northern Pacific Railways, the people of Manitoba will have no just cause to complain. I trust, therefore, the House will not insist upon this amendment. Of course the Bill would go down to the House of Commons and no doubt would be discussed

*Hon. Mr. Scott.*

there: probably in view of the policy that prevails in the Imperial Parliament, and in view of its being an innovation in this Legislature it would not be concurred in. I have shown that in contracts of this character it has been quite unusual to ask the ratification of them by the Senate; and if my recollection serves me right—I shall not say it positively—the novelty of having these contracts approved of by the House of Commons was first introduced by the present Administration.

Hon. Mr. BOTSFORD—The charge has been made by the hon. Secretary of State that the members on this side of the House are influenced by party spirit in dealing with Government measures. I for one beg to disclaim that I have been influenced by any such motive, in anything I have done in the performance of my duty as a Senator. I may say further, that when called upon to vote on any measure in which the Government were interested, and which has been opposed by the majority in this House, I have voted with great reluctance. I have always considered myself as an independent member of this House, and I feel called upon to protest against the charge made by the hon. Secretary of State against members on this side of the House. I can make every excuse for the speech of the hon. gentleman on this occasion. I confess he has labored under the disadvantage in conducting the measures of the Government, in not being an old member of the Senate, and in not possessing the same knowledge of parliamentary precedents which distinguishes many of the hon. gentlemen who have opposed him, which has placed him in circumstances for which I can make every allowance, when he defends himself in the able manner he does, on every question that comes before the House. I differ from the Government in their railway policy as, I must say frankly, their policy is one which I could not approve of under any circumstances.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. BOTSFORD—I entirely disapprove of the water stretches policy.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. BOTSFORD—I could not approve of the policy of the Government with respect to the Georgian Bay Branch, and I confess I never could understand why the Government purchased such a quantity of steel rails at the time they did, leaving the price out of the question altogether.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—They will be all used this year except the British Columbia portion.

Hon. Mr. CAMPBELL—The hon. gentleman told us that two years ago.

Hon. Mr. BOTSFORD—They have not been used on the Pacific Railway. I have not time now to go into the question of the powers and privileges of this House as connected with the amendment of this Bill, but I must say it is undoubtedly one of the powers and privileges which we possess under our Constitution to deal with questions of this kind.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. BOTSFORD—There can be no doubt at all that the British North America Act gives the Senate the right and privilege to enquire into any measure that may affect the policy of the Government with respect to this railway. There is no doubt that the Senate possesses the right to have the same supervision over any contract which the Government enters into as the House of Commons, and I should be very sorry indeed if we should surrender any of our privileges and establish a precedent, especially when such right is challenged, as it has been, by the Hon. Secretary of State.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BOTSFORD—On constitutional grounds, I entirely differ from the Hon. Secretary of State, and on constitutional grounds I say we have a right to have that contract submitted to us for our approval.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. BOTSFORD—The very authorities which the Hon. Secretary of State read show this—that the reason why those contracts are submitted to the House of Commons is to provide that no more money shall be expended on any contract than was voted by Parliament

*Hon. Mr. Botsford.*

for that particular object. This question is very different indeed, and, as it is upon constitutional grounds we have a right to exercise the power of supervision, I intend to assert that right by voting for the amendment.

The Committee then divided on the amendment, which was adopted. Contents, 32; non-contents, 21.

The Committee then rose and reported the Bill as amended.

Hon. Mr. PELLETIER moved that the report of the Committee be taken into consideration to-morrow, and gave notice that he would at that time again test the sense of the House on the question; if the amendment were maintained he would leave the responsibility of it with the gentlemen opposite

Hon. Mr. WILMOT—I wish to make a few remarks in consequence of what has fallen from the hon. Secretary of State. He seemed to infer that the members of this House were entirely influenced by party principles.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WILMOT—And that the parties were all united in one way. Now, I beg to say—and this House will bear me out in my statement—that I, as one individual member of this House, have supported the Government in many instances, and have endeavored to do so impartially; but, when I find that almost everything they do is contrary to what I conceive to be the true interests of the country, I am decidedly opposed to their policy, and I think it was utterly uncalled for that a charge should be made against the majority in this House, that they were governed entirely by party feeling in dealing with measures that come before us.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WILMOT—I care not what Government may be in power, if they bring forward good measures, I am prepared to support them, but otherwise, I cannot do so.

Hon. Mr. SCOTT—I confined my observations to the Government policy with regard to the Pacific Railway; I expressly repeated it several times, and quoted, as evidence of the justice of my conclusions, that up to the present time no one

instance had occurred in which the hon. gentlemen opposite had approved of the policy of the Government in this matter.

Hon. Mr. WILMOT—I consider there has been nothing but a succession of blunders committed by the Government with regard to it.

Hon. Mr. SCOTT—We do not seem to have made one sensible move, according to the views of hon. gentlemen opposite.

Hon. Mr. MACPHERSON — Not one.

Hon. Mr. CAMPBELL—The lamentations of the hon. Secretary of State are very melancholy indeed.

Hon. Mr. SCOTT—There seems to be a very strong current of feeling against the Pacific Railway policy in this Chamber.

Hon. Mr. MACPHERSON—The Government ought then to revise their policy.

Hon. Mr. SCOTT—Will the hon. gentleman tell us what policy will suit him?

Hon. Mr. MACPHERSON—I have told the hon. gentleman very often what my policy is.

Hon. Mr. TRUDEL—The hon. gentlemen on this side are charged with being partizan, and with being influenced entirely by party feeling with respect to the Pacific Railway policy. If we are influenced by partizan feeling, I would like the hon. Secretary of State to explain why it is we are not partizan on any other question?

The motion was agreed to.

### PRISONERS' SURETIES BILL.

#### THIRD READING.

Hon. Mr. SCOTT moved the House into Committee of the Whole on Bill (73) "An Act respecting persons imprisoned in default of giving sureties to keep the peace."

The Bill was reported from the Committee without amendment, read the third time and passed.

The House adjourned at six p.m.

*Hon. Mr. Scott.*

### THE SENATE.

*Friday, April 26th, 1878.*

The SPEAKER took the chair at 3 o'clock, p. m.

After Routine proceedings.

### STEEL RAILS.

#### MOTION FOR RETURN.

Hon. Mr. WARK moved :

"That an humble Address be presented to His Excellency the Governor-General praying that His Excellency will be pleased to cause to be laid before this House a Return showing the date or dates at which the Intercolonial Railway Commissioners contracted for the rails for said Railway; the quantity contracted for; the dates at which they were delivered at ports in the Dominion; the cost per ton at such ports; the dates at which payments for the same were made, and the amounts of such payments respectively; the dates at which the rails were laid; the quantity of rails landed at Dalhousie; the cost of removing them thence to their place of destination; to whom paid and the distance to which they were removed.

"Also a Return of the date or dates at which the Government contracted for the rails for the Pacific Railway; the quantity contracted for; the dates at which they were delivered at ports in the Dominion; the cost per ton at such ports; the dates at which payment for the same were made, and the amounts of such payments respectively; the cost of removing said rails from the port of original delivery to their destination, and the distance to which they were removed; the quantity of said rails already used; the dates at which they were laid; and the date at which the balance is expected to be used, and the place where used.

"Also a Return of the quantity of rails shipped by J. Hawes & Co.; the date at which they were delivered at ports in the Dominion; the cost thereof at said ports, and the date or dates at which the same were paid for, and the amount of such payments respectively."

He said he did not propose to renew the discussion on the steel rails question, but, as a difference of opinion had prevailed as to the manner in which this transaction had been conducted, he thought it would be desirable in the future, in comparing the policy pursued by the present Government with that of their predecessors, to have the return which he moved for, laid before the House in a concise manner, so that hon. gentlemen would have an opportunity hereafter of

criticising the transactions of the two Governments.

The motion was agreed to.

## THE DEFENCES OF BRITISH COLUMBIA.

### ENQUIRY.

Hon. Mr. MACDONALD made the following enquiry :—

“ Whether there has been any recent correspondence between the Imperial and Dominion Governments on the subject of placing the Province of British Columbia in a state of defence, and whether any steps have been taken with a view to keeping the larger portion of the Pacific squadron in Northern waters ? ”

He said : Although there is no immediate danger, it is not improbable that war may be declared between England and Russia. British Columbia is entirely defenceless ; there is not a single fortification in the Province, so that the vessels of the enemy could come in there and do a great deal of harm, and no timely assistance could be obtained. We are at present dependent upon the British navy for our defence, but, unfortunately for the Province, the interests of the British merchants in South America has been sufficient to keep the Pacific squadron in Southern waters. For a large portion of the year we have only one or two small vessels on our part of the coast ; and in case of an attack by a Russian squadron, they would have enough to do to defend their own station at Esquimalt. Last year there were eight Russian war ships in the Pacific—in the harbour of San Francisco—and last year one or two of them paid a visit to our coast, no doubt reconnoitering our harbours and spying out what defence we had there. Probably the Government have been thinking over it, as I saw in a British paper lately, a statement that there had been some correspondence between the Dominion and British Governments on the subject. If a strong request were forwarded by this Government to the Imperial Government to keep the larger portion of the Pacific squadron on the British Columbia station, that would supply all the protection necessary, and I hope the Government will not lose sight of this matter.

Hon. Mr. Wark.

Hon. Mr. SCOTT—There has been no correspondence that I could bring down to the House, nor has there been any correspondence on the general subject of the defence of British Columbia, or the necessity for placing it in a position to resist any attack from sea. There has been a confidential correspondence, as representation was made by British Columbia, that a number of Russian war ships had visited their coasts. The British Government was duly informed of it, but on enquiry they were not able to ascertain that there was any foundation for the rumor beyond the fact that a single war vessel had been seen in the waters of British Columbia. The people there became alarmed about a month ago that the Russian fleet were going to bear down upon them ; but it was a good deal like the Indian scare that occurred in the North-West—there was no foundation for it.

Hon. Mr. MACDONALD—Eight Russian war ships visited the harbor of San Francisco last fall.

Hon. Mr. CORNWALL—And those war-ships were in San Francisco harbour at the time this representation was made to the British Government.

## THE CONSTRUCTION OF THE PACIFIC RAILWAY.

### THE DEBATE CONTINUED.

On the Order of the Day being called for resuming the adjourned debate on the Hon. Mr. Read's motion :

“ To resolve, That this House regrets that the mode adopted by the Government in relation to the construction of the Pacific Railway involves the expenditure of enormous sums of public money without any corresponding beneficial results.”

Hon. Mr. REESOR said : This question has been so fully discussed I do not propose to occupy much of the time of the House ; but there are a few features of the subject that I think will bear a little more debate. I find that the complaint of the hon. gentleman who moved the resolution, is mainly that the expenditure of money in the construction of the Pacific Railway has not been satisfactory, and he pointed out that the location of the line of railway is not what it ought to

be—that so far as the location of it is concerned, it does not accord with his views. He has also attempted to point out that the manner of proceeding with the construction of the line is not one that should be followed in the interests of the country. He contended that that portion of the line lying between Fort William and Selkirk on the Red River should not have been commenced at both ends, and that the general expenditure has been without satisfactory results. I shall first notice the point which refers to the location of the line across the Narrows of Lake Manitoba. That question has been brought up not only during the present Session, but during the last Session of Parliament, and a Committee was appointed to make enquiry with regard to it. Now, I confess that my first impression was that very likely a road could have been found to the south of Lake Manitoba that would have been more satisfactory than the present one; a road that would not only be satisfactory to the people who are now settled in that region of country, but one that would not be so expensive in construction as part of the main line. I have listened very carefully to all the arguments on both sides, and have studied the information elicited before the Committee; I have also made it a point to enquire of the engineers who surveyed the route from Selkirk through to the Rocky Mountains—engineers who had not only passed over the line located across the Narrows of Lake Manitoba, but who happened to be the same parties who had made the survey south of Lake Manitoba, with the view of finding a route in that direction. I have been assured by all those gentlemen, who have a good knowledge of the agricultural resources of that country, that not only would the route be longer if it were to pass south of Lake Manitoba, but the gradients would be far less favourable, and the route would be far more expensive in construction than the located line across the Narrows of Lake Manitoba. Then, leaving out of view the increased length of the southern route and the question of greater expense by that route, I asked the engineers if it would not open up for settlement a much larger area of good land than the route located by the Narrows, or if there would not be a greater proportion

*Hon. Mr. Reesor.*

of arable land suitable for settlement on the southern line than there is along the located line. They said, by no means, the line across the narrows of Lake Manitoba would bring within the reach of settlement, more good land, and the line west of that point would pass through more good land, taking the whole distance from Selkirk to Fort Pelly, than by the southern route.

Hon. Mr. AIKINS—Who said that?

Hon. Mr. REESOR—Mr. McCloud for one.

Hon. Mr. SUTHERLAND—I want to ask the hon. gentleman if there are any settlers at present on the located line, and whether he knows there are any on the southern line?

Hon. Mr. REESOR—I admit that the popular expectation was that this railway would have been located not only south of Lake Manitoba, but that it would pass through Fort Garry, and that the line would be continued in that direction until it would reach some point north of Fort Pelly, and then be continued across the continent. That being the anticipation for some few years before the location of the line, no doubt it led to the settlement of a great deal of country in that direction, and I have no doubt there are a great many more settlers along the line, that it was supposed a few years ago would have been chosen, than there are along the route which the Government have adopted.

Hon. Mr. SUTHERLAND—There are no settlers at all on that line.

Hon. Mr. REESOR—It is an entirely new country, but that is no objection to the adoption of the line, as long as there is good land in that region. I found it also reported by the engineers who were working on that route, that they had the opinion of a number of Ontario farmers, who had been engaged in transporting supplies for the engineers, that, so far as they had examined other portions of the Territories, they regarded the country along the located line, as being as favourable for settlement as any they had met; indeed, some of them pronounced it superior, on the ground that they could select a farm of 160 acres on this northern route, of which one hundred would be prairie, and sixty acres woodland. This they

considered to be a decided advantage, instead of being compelled to do as they were doing further south, haul their supplies of fuel or timber ten or fifteen miles. Taking into account all these circumstances, a shorter and cheaper route, easier grades, and adaptability for settlement, I think the Government would have acted unwisely, and contrary to the interests of the country, if they had adopted the route south of Lake Manitoba. All this criticism and investigation has simply led to more information being elicited, and the result has been, so far as I can see, to confirm the view that the Government have taken, in their selection of the route. Another point upon which a great deal has been said, and about which, complaints have been made, was the commencing of the construction of the 400 miles between Thunder Bay and Red River, at both ends. It will be remembered, that at the time this work was commenced, a great deal of suffering had been experienced by the settlers in Manitoba in consequence of the failure of their crops for two seasons in succession. It was necessary that the Government should extend aid to many of those settlers, and that argument was urged in favor of the Government taking steps immediately towards the construction of the railway, in order to give work to those who needed assistance. I think it was a wise course, and that arrangement was not objected to at the time by any member of this House, because it afforded a means of living for the settlers in that country without their having to be sustained by gifts from the Government, or other acts of charity, whether sent from the old Provinces or gathered in their own, until the return of more favorable seasons. That was a good reason for the course which the Government adopted.

Hon. Mr. AIKINS—What public work does the hon. gentleman speak of?

Hon. Mr. REESOR—I am speaking of what was done on the railway from Winnipeg to Selkirk and the Pembina Branch, and what was done on the line leading from Selkirk to Rat Portage.

Hon. Mr. AIKINS—The hon. gentleman has made a mistake. He is speaking of the supplies sent in there some years ago.

Hon. Mr. Reesor.

Hon. Mr. SCOTT—The hon. gentleman is perfectly correct. He is speaking of the supplies that had been sent in for the Icelanders, and the work that was done by those people to pay for them.

Hon. Mr. REESOR—If the work had not been undertaken as it was, at both ends, it would have involved the necessity of transporting the whole of the supplies from the eastern end hundreds of miles across to Red River. So, I think, the Government showed their wisdom in commencing at both ends of this portion of the Pacific Railway. Furthermore, as stated yesterday by the hon. Secretary of State, the work could not be carried on as rapidly if all the contractors were placed at one end of the line, as they would be continually interfering with each other, and I think the carrying on of the work as they are doing is far more satisfactory. As far as the progress of the work is concerned, about 200 miles of roadway is likely to be graded during the present season, and ready for having the rails laid down upon it. A portion of the rails have already been laid, and the work will be continued, so that about 112 miles are expected to be completed from Fort William westward to Port Savanne; and another section, about the same distance, from Selkirk eastward during the present year—possibly before September. When those two ends are completed, they will afford facilities for transporting men and supplies into the interior, after which the gap of 180 miles can be constructed more economically, and in a much less time, than it could have been done if the work had been carried on entirely from one end. These are two features of which my hon. friend from Belleville has complained, with regard to the policy of the Government in carrying out this work. He has not said anything as to carelessness, indifference or want of energy on the part of the engineers in making the surveys. He has not complained that several trial surveys should have been made. I think the large staff of engineers who have been employed have worked faithfully, and have done as much as men could do under the circumstances. In making surveys in British Columbia it was a very different thing from making a survey through Quebec or Ontario; a very

different thing from running a survey where the Intercolonial Railway is located, because they had to work through a country where there was no settlement at all; and they had, in many instances, to carry their supplies with them from the time they started in the spring of the year until they returned in the fall. It was a very different thing from making a survey even in a sparsely settled country, where supplies could easily be obtained from settlers or from distant villages. It required for an ordinary staff not less than fifty or sixty horses or mules to carry their provisions, and as many extra hands to take charge of them. All these things cost money, and involved a great deal of privation and labor in the surveys on both sides of the Rocky Mountains. These are some of the disadvantages which the surveyors had to contend with, yet we have not heard anything said against them in respect to the manner in which they performed their duty. The surveys have cost a great deal of money, but I consider it is far better that they should have been made, and that the Government should have ascertained, not only the shortest but the cheapest route. Under these circumstances, I presume my hon. friend who moved this resolution, does not expect we ought to have a cash return so soon upon the investment. He must have had reference merely to the location of the road, and the manner in which the money has been expended.

Hon. Dr. CARRALL—It all ended in rust.

Hon. Mr. REESOR—I think, under those circumstances, that the Government should be commended for their exertions in selecting the best route, as there was nothing definitely known with regard to the whole distance when the work was undertaken. If this road is to be built at all, the surveys should be efficiently made, so that after the money has been expended in the construction of the line, it will not subsequently be found that a better route exists than the one which has been adopted. In regard to the purchase and conveyance of the steel rails so much has been said that I do not propose to add anything to it. I will simply say that the explanation of my hon. friend from Hamilton, as a business man who understands such

*Hon. Mr. Reesor.*

matters, and the interpretation that he has given of the various tenders made to the Government is very reasonable. The Government certainly would not have been justified in accepting a tender that did not specify in it all the conditions under which the party tendering was willing to take the contract. All the tenders sent in did not contain the necessary specifications, and I think the Government were wise in not accepting any which did not include them, as they would have left themselves open to disputes, law suits, and demands for extras that might have involved the country in a great deal of unnecessary expense. Nothing has occurred to shake my confidence in the slightest degree in the integrity of the head of the Department of Public Works in connection with this matter. So far as the purchase of the steel rails is concerned, any one might fall into an error of that kind. Perhaps they were purchased a year too soon; perhaps they were not. I met, the other day, a gentleman who purchased a house in this city two years ago. He told me if he had purchased it this year instead, he could have got it for \$2,000 less. It is not given to all of us to see in advance those different fluctuations in the markets, especially during a period of depression. I remember, it was not very many years ago, when rails were purchased for the Toronto and Nipissing Railway, and it was then necessary to give the order for them a considerable time in advance of their being required, in order to get the rails at the proper time. After that road was completed, and the Credit Valley road and other railways were being discussed, it was said then by Mr. Laidlaw it would be necessary to give the order a year in advance for the rails, because the manufacturers at that time had orders ahead for several months. It is fair to say that the late Government did not hesitate to pay a much larger price for rails when they required them; they paid as high as \$85 per ton. A portion of those rails were delivered after the present Government came into power, and they had been purchased not by tender, but without tenders, being called for at all. Then with regard to other purchases, a very great difference was to be seen in the prices paid by the present Government and those that had

been paid by their predecessors. In the speech made by the Premier in the village of Clinton, he said :

"They (their predecessors) purchased steel springs for the Government railways without tender at twenty-one cents per pound. I bought the same article immediately afterwards for seven and a-half cents per pound."

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. REESOR—There is a very wide difference ; yet these are the same parties who have the assurance to come forward at every public meeting and impeach alike the policy and personal honor of the First Minister of the Crown. I think hon. gentlemen opposite should not pursue the course they do in condemning the policy of the Government ; because all the circumstances go to show that their policy has been a wise and judicious one, and free from the slightest taint of corruption or jobbery. I have nothing to gain or to lose, no matter which party is in power, and I certainly would not sustain this Government, although my sympathy is with the party now occupying the Treasury Benches, if I found them to be guilty of the corruption that is charged against them in connection with the Pacific Railway, or any other public work over which they have charge.

Hon. Mr. WARK—I should say that the hon. gentlemen who have addressed the House on this question, have censured the Government with a degree of severity that is perfectly unwarrantable. When they came into power they found the country pledged to this undertaking ; they found the work already commenced ; the surveying was going on under the direction of the Chief Engineer, and the Government have continued to carry it on under the same management, and with the same staff of officers. If there is anything wrong in the expenditure under this engineering operation, the one Government is as much liable to censure for it as the other. There has not been much said about the Georgian Bay Branch in this debate. It came out in a discussion on a former occasion, that the Georgian Bay Branch was pledged to the people of Quebec by a member of the late Administration, and I think very justly so. I think

Hon. Mr. Reesor.

every one saw that the construction of that portion of the road which goes north of Lake Superior, must be postponed for a great many years ; and if the people of Quebec are to have access to this great western country, it must be through Lake Superior. If the North-West Territories are going to be settled with the rapidity that is anticipated, Montreal and Quebec have a right to as direct communication with the west as the cities of Ontario, in order to send their merchandise through to Manitoba and the North-West, and bring back the products of that region in return. There is nothing unfair in that ; and all those products intended for the Quebec ports must come out by this Georgian Bay Branch. I agree exactly with what the hon. Secretary of State has said with regard to the policy of commencing the construction of the railway at Red River and Lake Superior. I believe the report of Mr. Dawson and others who profess to be familiar with the features of the country, at one time left no doubt on the minds of the Government, that Sturgeon Falls and Rat Portage could be connected by a direct line of railway whenever it was thought desirable to go to the expense of constructing it. That seems to have been the impression, and was what led to the commencement of the Fort Francis Lock. If that plan could have been carried out, the construction of the Fort Francis Lock is all that would have been necessary for a series of years, in connection with the two sections of the railway from Lake Superior to Sturgeon Falls, and from Rat Portage to Red River, to establish communication between the old Provinces and the west. Unfortunately, it was subsequently discovered, that the connection by rail between those two points was impracticable. If it had been practicable the Government would have been free to have gone on at once with the construction of the railway in British Columbia, as it was desirable that something should be done in that Province as quickly as possible. It is now known that in order to connect the two ends of the railway between Port Savanne and Rat Portage, they must expend such a large sum of money, that it would embarrass the finances of the country to proceed with a large expenditure in British Columbia at the same time. One question has come up in this dis

cussion which caused me no little surprise; the tenacity with which hon. gentlemen on the other side of the House have urged the necessity, almost the absolute necessity, on all occasions now, of accepting the lowest tender in awarding contracts. If any other tender but the lowest is accepted by the Government for any contract, they are charged with corruption and favoritism. What did the late Government enact when they passed the Intercolonial Railway Bill? Here is the language of the 16th section of that Act: "The Commissioners shall accept the tenders of such contractors as shall appear to them to possess sufficient skill, experience and resources." But that discretion is denied to the present Government. They are denied the right to judge whether constructors should possess sufficient skill, experience and resources. Under the authority thus given to the late Railway Commissioners, what course did they pursue, and what course did the late Government pursue in awarding contracts? We hear a great deal about favoritism having been shown to parties who tendered for the transportation of the steel rails, the contract for which was awarded at an advance of 20 cents per ton for 1,200 miles. When the Wellington basin of the Lachine Canal was tendered for, the lowest tender was \$381,707, but the late Government let the contract on a higher tender, for \$462,284. There was \$80,000 difference between the lowest tender and the tender accepted. In section 1 contract, the lowest tender was \$498,683, but the Government had accepted a tender for \$619,254. There was a difference of \$120,000 between the lowest tender and the tender accepted. I might go over a long list of such contracts; I might refer to contracts on the Intercolonial Railway where we would find the fifth, sixth, and sometimes the twelfth tender above the lowest had been accepted. I might go further and show where, in importing their steel rails, they landed them at Dalhousie on the Restigouche, when the same vessel might have gone 16 miles further up the river, and landed them at Campbelltown, for which place they were destined, yet the Government paid two dollars a ton extra for having them carried this 16 miles. Yet the present Government are charged with gross favoritism for giving an advance of

*Hon. Mr. Wark.*

20 cents per ton on a contract for carrying rails 1,200 miles.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WARK—Perhaps the hon. gentleman who is now looking at me (Mr. McLellan) and who was one of the Commissioners, will be able to explain why those rails were landed at Dalhousie instead of at Campbelltown, when the same vessel that took them on board in England would have carried them the extra 16 miles up to Campbelltown, for 1s. 3d. more per ton, instead of landing them where the cargo was discharged. I think this ought to shut hon. members' mouths from charging this Government with favoritism. I call the attention of the hon. member from Belleville to these facts in connection with the construction of the Intercolonial Railway.

Hon. Mr. READ—The Intercolonial Railway is not the question under discussion.

Hon. Mr. WARK—I will inform the hon. gentleman how he can make himself useful in the future in connection with the construction of the Pacific Railway. When the late Commissioners were appointed the Chief Engineer proposed to pay for work done, by quantities—to have the work measured and paid for at a certain and fixed price. The Commissioners objected to this, as they thought a great many of those measurements would have to be made by young engineers, who would be liable to be tampered with by the contractors. I believe that was a very correct conclusion, and I think if the hon. Senator from Belleville would watch in that direction on the Pacific Railway he would find it work there also, if there was not more care taken than there had been on the Intercolonial Railway. Some of the engineers on the Intercolonial Railway were an extravagant lot; I have no doubt of that. I have heard instances of it. I was once connected with an examination of their accounts during a Session of Parliament here. I have known instances of an engineer having hired a team to carry him about ninety miles, and paying fifty dollars for the trip, when he could have gone for five dollars each way by the regular mail conveyance. Hon. gentle-

men opposite ought to have corrected abuses of this kind immediately after they had been brought to their notice; but we did not then hear a word from them about extravagant expenditures. The engineers were not altogether strictly honest either in their charges. Their liquor bills, for instance, were paid for under the designation of horse hire.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WARK—I have had the best proof of that. I was very much surprised at the amount charged for horse hire by the engineers in locating a twelve miles section of the Intercolonial Railway. It was more than had been paid by the New Brunswick Government for the same item in locating 112 miles of railway. On one occasion I found that a party of engineers had stopped at a certain hotel over night, and I asked the hotel-keeper if the liquor they used was charged under another name. He opened his book, put his hand on an entry, and said, "This is charged as horse hire, but it is really for liquor." The hon. gentleman from Belleville should look after those matters, and should also look out for bribes that may be offered to engineers by contractors. I remember a friend of mine having read a letter from one of the contractors on the Intercolonial to his partner, in which he said the engineer was pressing him hard for money, and he had to give him a thousand dollars, but it did not appear that either the Government or the commissioners detected one of those frauds until they began to come before the notices of the other House. There it was found on investigation, that a contractor had paid an engineer large sums of money, had made him presents of furniture, and had given him checks at different times—all this came out in evidence. The contractor and the engineer quarreled and they both admitted it. Those are things which require as much to be looked after on the Pacific Railway, and should have been seen to, on the Intercolonial Railway. I was surprised the other day when I heard the hon. gentleman, the late Commissioner opposite, speak in such high terms of the character of that road. I heard a report some time ago, and I fell in with a party who was acquainted with the transaction,

Hon. Mr. Wark.

that on one of the contracts near where I formerly resided there was a deep ravine which required a very heavy embankment. It was let by the contractor to a sub-contractor, but as it was a very heavy job the sub contractor agreed willingly to give it up again. The contractor came along with a large gang of men and teams one Sunday morning and hauled an immense amount of timber and rubbish into the ravine, until it was near the proper height, then covered it over with earth, and after it was covered in this manner, the engineer came along and took it off the contractor's hands. One would suppose that in travelling over the road, the first thing that ought to have attracted the attention of the Commissioners was the fact that this ravine required a large quantity of material in order to make the embankment, that no cuttings could be seen from which the material could have been taken, and seeing such a large number of fresh cut stumps, they would naturally have concluded where the material for the embankment had come from. I was struck with a short remark in the Engineer's last report, to the following effect :

"The Intercolonial Railway, in order to serve comparatively insignificant interests, was twisted many miles out of its proper course."

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WARK—When Major Robinson surveyed the line between Bathurst and Miramichi, he brought it up the Nipisiguit and the valley of the North-West, where, if I am correctly informed, the gradients were only 25 feet to the mile. The Commissioners in order to meet the views of a member of the late Government, deflected it from that course, and carried it over an elevation of 500 feet to Newcastle, thereby making the grade fifty-two feet to the mile, and there is one grade of this kind three miles and a-half long. The character of the country through which the line was run is thus described by the engineer: "Large tracts of boggy land and swamps are met with, the land is wild, of a poor quality and generally covered with dwarf spruce," and by carrying the road through this dreary region they had to convey ballast forty-five miles to complete it, and then to construct the two

expensive bridges over the Miramichi, one of which could have been spared by the other route. Then after crossing the Miramichi, the engineer was required to abandon a line he was surveying through a populous and fertile country direct to Painsic, and to adopt instead the circuitous route through Moncton. Much of the country through which the road was carried was also bogs, swamps and spruce barrens, and here ballast had to be transported fifty-five miles, and a railway seven miles in length built to reach it. The Nova Scotia Commissioner appears to have conceded a good deal to the New Brunswick Commissioner, in order to get his assent to a branch to the Spring Hill Mines, and to get the Grecian Bend put on, that carried it round to the Londonderry iron mines.

Hon. Mr. McLELAN—That was located before the Commissioners were appointed.

Hon. Mr. WARK—The hon. gentleman strenuously urged upon the Government that that route should be adopted. There were at that time two lines open for consideration. Mr. Purdy selected the straight line, but the hon. gentleman from Londonderry, and the hon. gentleman from Amherst, advocated the Grecian Bend, and succeeded in lengthening the line four miles, and adding the heaviest gradients between Riviere du Loup and Halifax.

Hon. Mr. McLELAN—No, no.

Hon. Mr. WARK—I was forcibly reminded of that fact when the hon. gentleman was so strenuously urging the claims of Halifax as the winter port of the Dominion, and wondered how he was going to get over that heavy grade.

Hon. Mr. McLELAN—The grade favors Halifax, as it tends that way.

Hon. Mr. WARK—The gradients on the Grecian Bend, whichever way they run, will always entail heavy wear and tear on the rolling stock that has to pass over it. Now with regard to the charges made against this Government of favoritism in awarding contracts, I would just call the hon. gentleman's attention to the contract for Section No. 5 of the Intercolonial Railway, which has been investigated before a committee of the other House. The lowest tender there was

Hon. Mr. Wark.

\$454,000, but the Government accepted the tender above it to the amount of \$533,000. This, however, was on the second letting of the contract. In the first letting, Mr. Haycock took the contract for \$361,574; he worked a year at it and was paid \$48,762, when it was taken off his hands. The Commissioners and the Government had laid down a rule, wherever they could make changes to the advantage of the contractors, that would not degrade the character of the road, they would do so, in consequence of the rise in wages and the contractors not being able to fulfil their contracts. There was no inducement offered to Mr. Haycock to finish his contract, but it was taken off his hands, and new tenders were called for. The lowest tender in that case was \$454,000 from J. T. & P. Maguire. They were not supposed, however, to have the necessary skill, experience and resources. The next tender was that of Mr. Peto for \$468,000; it was passed over on the same ground. The next tender was H. Macdonald's, for \$500,000; it was passed over for the same reason; so was the tender of A. Lepage, for \$510,600; the tender of McMillan & Co., for \$530,000 was also passed over. Then came the tender of A. Macdonald & Co. for \$533,000, who were the first persons the Government considered possessed the "necessary skill, experience, and resources" to fulfil this contract, and their tender was recommended by A. Walsh and A. W. McLelan, the Commissioners who decided this question. What was the result? The tenders were received and decided upon in the month of May. In June, A. Macdonald & Co. discovered that a very material change could be made in the road in favour of the contractors—they had no doubt discovered it before the tendering, but had said nothing about it until their tender had been accepted. It was a singular thing that the engineer had been down there a year and had never made this discovery until just about the same time that the proposition was made that there should be this change in the contract. The result was that the contractors were relieved from the construction of 323,000 yards of earth work, valued at \$90,000. But they were required to do some extra rock cutting, which reduced the amount to \$83,000. And this \$83,000 was allowed to

go to them in case there should be a rise in wages at any time, or in case they met with any loss in their contract, although up to that time they had done nothing. In addition to this \$83,000 of an advantage that had been given to them, there was the \$78,497 of a difference between their tender and the lowest tender, which gave them the advantage in that contract, over the lowest tender, of \$161,867. I have no hesitation in saying it is my belief that when Mr. Macdonald went up to treat with the Government, there was an understanding that if he got the contract, and this allowance was made, he would contribute largely to the election fund.

Hon. Mr. READ rose to a point of order, as the question before the House was not the construction of the Intercolonial Railway, but of the Pacific Railway.

Hon. Mr. SCOTT—I hope the hon. gentleman is not in earnest.

Hon. Mr. READ—I am in earnest.

Hon. Mr. SCOTT—I think it is but just to the Government that this question should be discussed by comparison, and it is only by citing parallel cases that it can be seen whether the course this Government has taken deserves the censure of hon. gentlemen or not.

Hon. Dr. CARRALL—I thought he was at Neebing.

Hon. Mr. McLELAN—I would like the hon. gentleman to bring all the charges he has in connection with the late Intercolonial Railway Commissioners, and get done with them some time.

Hon. Mr. WARK—Are we ever to get done with the steel rails question?

Hon. Mr. READ—I insist upon my point of order.

Hon. Mr. SCOTT—The matter under discussion is the alleged improper expenditure of the Government on the Pacific Railway, and it is only by drawing parallel cases as to the course pursued by the late Government in the construction of Public Works of a similar character, that the House can come to a proper conclusion. I know it is disagreeable to the hon. gentlemen opposite to hear those facts, but it is well that the country should be able to judge between the two Governments on their merits.

*Hon. Mr. Wark.*

Hon. Mr. MACPHERSON—I hope the hon. gentleman will not press the question of order whether he be right or not. There is something so illogical in what the hon. Secretary of State has just said, that I should like to hear it discussed. The late Government did what was advantageous to the country in buying rails at a time when the country would benefit by it, and the present Government are to be excused for buying rails at a very heavy loss to the country on that account.

Hon. Mr. WARK—I said, in commencing my remarks, that as the hon. gentleman had made up his mind to keep a very strict watch over the construction of the Pacific Railway, I would point out certain instances in the construction of the Intercolonial which would be a guide to him in his future proceedings. I do not think that is out of order; on the contrary, I think it is very much in the hon. gentleman's favor. I could refer to tenders having been given to members of Parliament which, if done now, would be called jobbery and gross corruption. I dare say the hon. member for Londonderry knows about some of those contracts that were given to members of Parliament at a high rate; perhaps the Government accepted the lowest tender, but, at any rate, those gentlemen were acting at variance with the Independence of Parliament Act. I hope I have not been out of order in my remarks. I hope the hints I have given, and the information I have laid before the House, will be useful to the hon. gentleman opposite who has moved this resolution. My conclusion, after hearing all the arguments that have been advanced, is that the Government have pursued a very straightforward course. When I hear some of the hon. gentlemen opposite charging the Government with incapacity, I wish some of them were in the position the Premier now fills, for six months, and had to discharge the duties of his office: I am satisfied that at the end of that time they would have a much higher opinion of the hon. gentleman who is now at the head of that Department, and a very much more humble opinion of themselves. I believe Mr. Mackenzie to be a man of the strictest integrity, who would not extract a single dollar from the public treasury himself,

nor allow anyone else to do so, without giving the country full value for it.

Hon. Mr. LELAN—I did not intend to prolong this discussion, but the hon. gentleman who has just taken his seat invites me to make some explanations in connection with the Intercolonial Railway. The hon. gentleman, for years, devoted all his time and energies to discover some supposed job on the Intercolonial Railway, and with all his research, and all the labor he has spent on that work, he has not been able to discover more than an extra charge of three dollars for horse hire.

Hon. Mr. WARK—I spent the time in connection with the route of the road, and not in connection with the manner in which the money had been expended. I only referred to the expenditures incidentally.

Hon. Mr. McLELAN—The hon. gentleman points to this as a proof of the extravagance that, he alleges, existed on the Intercolonial Railway; and I ask the House to consider what he has brought forward—three dollars for horse hire—in comparison with what we know to exist now, on the Pacific Railway. The Pacific Railway is only in its inception; we have only 48 miles of rails laid, and the House is familiar with all the blunders and extravagance that have been committed already, resulting in the expenditure of millions of dollars, which have produced no results. Now, I say, let us start fairly. If you invite the attention of the hon. member from Belleville to the Intercolonial Railway for comparisons, it must be remembered that the road is finished; and we should wait until the Pacific Railway is completed, so that we can stand upon equal footing, and then see how the two works will compare. The hon. gentleman says that the Intercolonial Railway was twisted out of its proper course to serve some unimportant interest. I ask the attention of the hon. gentleman to the report of the Chief Commissioner, respecting the main location of the Baie de Chaleur section. Mr. Fleming says:—

“The Chief Engineer, after examining the arguments advanced in favor of each route, placed on record his opinion, that, beyond a doubt, the line by the Bay Chaleur was the route to be adopted.

*Hon. Mr. Wark.*

“The Imperial authorities never lost sight of the military element which the railway should retain. On several occasions, they clearly intimated that a northern, or Bay Chaleur route, was one which they preferred. Not only Major Robinson, but other military authorities, pointed out the northern route as the proper location.”

That route was favored also by the British Government. The hon. gentleman also called the attention of the House to the location of the road at Londonderry, and I think the Hon. Secretary of State referred to that deflection the other day under the name of “The Geocian Bend,” and said it was so deflected in order to serve small private interests. It is true, as I stated a few moments ago, that that location was made before the appointment of the Commissioners. There was a large iron interest at Londonderry which the inhabitants of that district and parties who were connected with it outside were desirous should be served by the location of the railway. The Engineer-in-Chief desired to take a route which would not serve that interest. A compromise was effected, and the road was located so as to bring it nearer the iron interest, and what has been the result? Why, one of the largest undertakings in this Dominion has been brought into existence, and is now in active operation, in consequence of the deflection of the railway there.

Hon. Mr. READ—Hear, hear.

Hon. Mr. McLELAN—Let me invite the attention of the House to the result, as shown on the operations on the road itself. I refer to the last report of the Manager, who says:—

“The large iron works in Londonderry, N.S., have been brought into operation, and are giving a large and rapidly increasing traffic to the railway. Pig and merchant bar iron, as well as car wheels, are now being shipped over the railway in considerable quantities to all parts of Canada. Londonderry, which at the opening of the line was completely in the woods, is now, with the exception of the termini, the largest receiving and shipping station on the Intercolonial.”

Hon. Mr. WARK—How much longer than three miles would a branch have had to be made to serve that interest if the main line had been located direct?

Hon. Mr. McLELAN—The existence of the iron works depended wholly on the location. For years they had been struggling for existence, and were about to be

abandoned in despair. The location of the railway led to the subscription of a large capital in Britain, and an extension of the works, with the result shown in the official report. The hon. gentleman, however, should not complain. No man in the country was more urgent to have the road diverted from the course laid down by the engineer than the hon. gentleman from Kent himself. He knows that to have taken it where he wished to locate it, it would have cost over \$100,000 additional and increased the mileage.

Hon. Mr. WARK—The Engineer-in-Chief had the road explored through the heart of the county, but when the Commissioners were appointed they ordered him to take it through the swamps where it has been located.

Hon. Mr. McLELAN—Many explorations were made, and, after comparison, the location was made upon the recommendation of the Engineer-in-Chief, and in that recommendation the Commissioners coincided. With respect to the landing of the rails, the course the Commissioners took was simply this—after they had the route located, and the contracts let, and the time fixed for them to be completed, they found they would require rails for the entire structure. The question whether they should have iron or steel rails was then taken into consideration, and steel rails were adopted. At that time there were comparatively few steel rails in use, but the Commissioners, judging by the results that had been obtained from what were in use on other railways, and by the testimony they had received from those interested in such roads, came to the conclusion that steel rails were the most economical, and would come into general use throughout the railway world, and they decided the sooner they contracted for the supply they required, the better bargain they would be able to make for the country. They therefore published advertisements in England, and all countries where steel rails were manufactured—not in Montreal alone—asking for tenders for the necessary quantity to be delivered at such times as they should indicate at certain points along the line. Tenders were received from the manufacturers of steel rails, not

Hon. Mr. McLelan:

from middlemen, as in the case of the recent purchase, offering to deliver them at certain points along the route where there was deep water, and Dalhousie was one of the points named. The hon. gentleman from Kent says they could have been delivered by any vessel sixteen miles further up the river, but he must be aware that the draught of water at Campbelltown is much less and is not so well known to English shippers, and in tendering for the transport of the rails, very much cheaper rates were obtained for delivering them at Dalhousie, a port that was well known, than to have required them to be delivered at a port that shipmasters were not acquainted with, and had a draught of water only sufficient for comparatively small vessels. The hon. gentleman from Markham seemed to think that our complaint is confined to the location of the Pacific line, and not to the mode of construction. The resolution of the hon. gentleman from Belleville, is that there has been a large amount of the public money expended for which there has been no corresponding benefit to the country. If hon. gentlemen will turn their attention to this, they will see that the sum already paid out, \$9,490,743; the amount to complete the sections under contract, and Fort Francis, \$3,900,000, and the subsidy to the Canada Central extension, \$1,440,000, all amount to nearly fifty million dollars. One half the entire sum proposed to be paid by the late Government for the construction of the whole work is gone or pledged, and no real practical advantage obtained beyond exploratory surveys. We have piles of decaying rails, and two pieces of railway, but separated 185 miles, and absolutely useless unless connected and made all-rail. This is what we complain of, that after this enormous expenditure we have no better means of direct intercourse with our great North-West than before a dollar had been expended. Repeatedly we have been told by the Government that they have gone as far as the resources of the country will permit, and that they do not propose to build the 185 miles to connect the two pieces now under construction but useless until connected. Last year when it was argued here that the construction of the two ends was useless until the connecting link is built, the hon. Secretary of State said :

"The argument of the hon. gentleman who has last spoken, was because the country could not build more than a part, the whole should be abandoned. He had understood the sentiment of those who favored this road, was that the Government should do something to show that they were in earnest. Hon. gentlemen might say what was the use to go on with this work without the intermediate link. But we must creep before we can walk, and the Government were going on with the work as fast as they could. Good as our credit is in the English market, if we were to put all our public works under contract at once, we should fail to convince the English capitalists that it was a wise course."

On the following page he is reported as having said :

"The hon. mover of the motion seemed to convey the idea that the Government proposed to construct this railway as a public work. The Government did not propose any such idea.

"Hon. Mr. CAMPBELL—What do they propose ?

"Hon. Mr. SCOTT — The Government had announced that as soon as the surveys were completed and the profiles prepared, they would call for tenders. It was the intention of the Government, when a company was found who would undertake the work, that they should take over the portions already built at a price to be agreed upon."

And later in the same debate he repeated the determination of the Government in these words :

"It is not the intention of the Government to go on with it as a public work, as hon gentlemen seem to imagine."

Hon. Mr. SCOTT—That is what I said yesterday.

Hon. Mr. McLELAN—That is what the hon. member on behalf of his Government repeatedly says, and that is just what we complain of, that all our means are gone, and no connection made or likely to be made, to enable our people to get into the prairie country.

Hon. Mr. SCOTT—What I said, was that it was proposed to give the contract to a company as soon as one could be found to take it.

Hon. Mr. McLELAN—What the hon. gentleman has repeatedly told us is that they are not able to go on with the connection as a Government work.

Hon. Mr. SCOTT—Hear, hear.

*Hon. Mr. McLelan,*

Hon. Mr. McLELAN—But at the same time you are expending nearly \$15,000,000 and not reaching a practical result; you are not giving us direct communication with our western territory on the plea of poverty, and yet, in the papers submitted yesterday, you propose to pay the Canada Central \$1,440,000 for an extension of that line, a work important in itself but of secondary interest to the connecting link with the North-West. I think hon. gentlemen will agree with me, and the hon. Premier not long ago himself said that, it is indispensable to the building of the Pacific Railway that a large population should be settled in the North-West, but what facilities, or inducements have the Government provided to induce immigrants to go in ?

Hon. Mr. SCOTT—The Pembina Branch is one of them.

Hon. Mr. McLELAN—Then I say that is all you have for the expenditure of \$15,000,000, towards getting emigrants into the North-West, and even that is an indirect route through a foreign territory.

Hon. Mr. SCOTT—Are we not building and completing two sections this side of Red River ?

Hon. Mr. MACPHERSON—What is the use of that ?

Hon. Mr. SCOTT—Hon. gentlemen will understand that it is not proposed to leave that central link uncompleted. I placed the date for the completion of the all-rail route at five years. It could not have been gone on with until the two ends of the road were completed, and when that is done it will be put under contract under the terms of the Railway Act.

Hon. Mr. McLELAN—I understand the hon. gentleman in this way. When the Government have completed the two ends of the road now under contract, they are going to seek in the markets of the world for a company to undertake the building of the rest of the Pacific Railway and take off their hands what has been constructed, charging the company with the cost.

Hon. Mr. SCOTT—Or build it in sections.

Hon. Mr. McLELAN—The House will consider the position the Government are in. They have entered upon engage

ments for the expenditure of \$15,000,000.

Hon. Mr. SCOTT—It is nothing like that.

Hon. Mr. McLELAN—Including the Canada Central extension, you have engagements that will involve the expenditure of very nearly \$15,000,000, and all you have to facilitate the settlement of the North-West is the Pembina Branch, costing completed a little over half a million. Having expended so much money, and having so little to show for it, the Government have made it an impossibility for any company to be found to tender for the completion of the Pacific Railway. The hon. Secretary of State himself has stated, and his friends on that side of the House have repeated it, that the scheme of the late Government to induce a company to undertake the whole Pacific Railway for \$30,000,000 cash, and 50,000,000 acres of land, was an impossibility. Now, I ask the House to consider this: if it was difficult then to get a company to undertake that work, is it not now impossible to have it done? The proposition of the late Government was that the company should take the contract, and the \$30,000,000 should include surveying and everything. Now, if you were to ask a company to take this road off their hands, and this \$15,000,000 expended was to be considered part of the subsidy, it would be impossible to find any company that would undertake it, as the Government have shown to the world the very discouraging fact that they have expended \$15,000,000 without result. What we claim is this, that, as the Premier stated last year, having that North-West country and its countless acres of prairie land available for settlement, the course of the Government, in the location and construction of the road, is greatly to be condemned. So far as we can judge, and so far as the testimony of the members from Manitoba goes, the road has been located away from the settlements and far north of the fertile lands, in such a way as to discourage settlers from going in there. The first duty of the Government was to have run the railway through the most fertile lands in order to promote settlement. The disposition of the Canadian people is to go west and settle on prairies. Before

*Hon. Mr. McLelan.*

we had any communication with our own North-West territory, our people emigrated across the borders and settled on prairie lands in the Western States. The last census of that country shows that 493,000 persons born in Canada had crossed the borders, and of them were born 960,000, making, in all, 1,453,000 Canadians and their descendants who have taken up their residence in the United States. When we acquired the North-West territory, and possessed countless thousands of acres of this prairie land of our own, it was the duty of the Government, at the earliest possible day, to have afforded every facility and inducement to immigrants to have gone in and settled upon those lands, and, with their assistance, we would have been enabled to construct our railway across this fertile tract to the Rocky Mountains, and finally to the Pacific Ocean. Taking the amount paid for the grading of the Pembina Branch, \$3,900 a mile, if hon. gentlemen will add to this a fair estimate for rails, ties, ballast, and a reasonable amount for rolling stock, it will only run up the cost of constructing a railway through that prairie land to from \$10,000 to \$12,000 per mile.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. McLELAN—Had the \$15,000,000 that has been, apart from surveys, fruitlessly expended, been laid out in constructing the road through the prairie country, it would have built 1,000 miles of railway, and as fast as the rails were laid, the prairie land would have been settled upon by an industrious population from the Red River across to the Rocky Mountains.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—It would have thrown the whole trade of that country to the United States.

Hon. Mr. McLELAN—Even that would have been better than to have exhausted all our means and then not be able to reach the fertile territory. The Government are exhausting the means of the country on such works as the Canada Central extension, the Kaministiquia Terminus, the Fort Francis Lock, the two railways into the wilderness, and such undertakings that do not tend in the least to facilitate communication with the

North-West. I contend it would have been better to have settled the North-West first, even supposing for a time the trade should have gone to the United States, than to have thrown away the people's money upon those works that can be of no value until the North-West has been settled. Look at the result that has followed the building of railways on the prairies of the Western States! Take the State of Illinois as an example. It was admitted into the Union in 1818. In 1820 it had a population of only 55,000; in 1870 that population had run up to 1,538,400. How was this brought about? It was simply by the laying down of railways over that prairie country. There are now 7,109 miles of railways in operation in the State of Illinois. The building of those railways attracted population, and among them 33,543 Canadians, and there were born of those Canadian parents 69,000. So that in 1870 there were living in the State of Illinois 102,994 Canadians and their descendants, attracted there by the prairie lands and the construction of railways. In 1875 the returns showed that those 7,109 miles of railway were yielding, after working expenses, \$2,818 per mile, or \$8.89 for each inhabitant. The State of Minnesota was admitted to the Union in 1858. It had a population in 1860 of 63,000; in 1870 the population had increased to 439,000, and in 1875 to 659,539, with nearly as large a proportion of Canadian born as Illinois. In Michigan the proportion is larger. Wisconsin, Iowa and all the Western States have large numbers of our people, who have been drawn away by the attractions of the prairie farms and railway facilities to send the products thereof to market. We have richer lands but no means of access to them sufficient to attract the emigrant. We are spending enormous sums on immigration, paying the expenses of persons to this country and then see them pass over the borders. If the Government would turn their attention to making all-railway connection with our prairies, even if through the United States for a time, and lay down railways over the fertile lands there, we should need no immigration agents abroad. In the last four years the Government has spent on immigrants over one million dollars, exclusive of quarantine, and have secured comparatively but

*Hon. Mr. McLellan.*

a handful of permanent settlers. Had they taken this money, with what they have wasted on Fort Francis Lock, Kaministiquia terminus, Georgian Bay Branch and steel rails, it would have completed the Pembina Branch, given all-rail communication with Winnipeg and built two to three hundred miles of railway over the prairie, and brought to us permanently ten times the number that have been brought temporarily, and what is of infinitely more consequence, kept our own people who will move west on our own soil. We are about to complete the Pembina Branch, but to stop there. The Government having, as they state, exhausted their means, are unable to build westward and make the fertile lands available, but at the same time they inform us that they are giving nearly a million and a half dollars to extend the Canada Central. That extension may be important at some future time, but it can only be secondary to the opening of the great West.

Hon. Mr. WARK--I wish, with the permission of the House, to make a short explanation. The hon. gentleman stated that I used my utmost efforts to get a certain portion of this railway constructed out of the route that was recommended by the engineer. The engineer was surveying the railway on a route where I wanted it, through a fertile country and a dense population, where there were numerous mills and other establishments, which would have given a great deal of way traffic for the road. The engineer, when the Commission was appointed, was ordered to see if he could not find a route from Newcastle to Moncton. He had no intention of carrying the route to Moncton, because that would have been away from the population. It was long after the engineer had laid down a common-sense route for the road, that he was ordered to survey a different one. And when he made up the report, he said he had no access to the census.

Hon. Mr. McLELAN--The hon. gentleman is speaking now of one of the subordinates, not the chief.

Hon. Mr. WARK--I am speaking of one of the subordinates; and the chief engineer took the precaution, in handing over the report of his subordinate, to let the Commissioners deal with it. His plan had been departed from, and he handed it

over without assuming any responsibility, and without saying anything that could be called a recommendation of it.

Hon. Mr. McLELAN—My hon. friend is under this mistake: he is taking the acts of a subordinate for the acts of the chief. The chief sent one of his subordinates to survey the line the hon. gentleman speaks of, and when the report came in, there was not a doubt on the mind of the chief engineer that the route that was afterwards adopted, was a better and cheaper one than the other.

Hon. Mr. WARK—The chief would never have thought it was a better route.

Hon. Mr. McLELAN—How does the hon. gentleman know what the chief engineer thought?

Hon. Mr. WARK—I know he looked at the population on the route.

Hon. Mr. CAMPBELL—I submit this is not an explanation, it is a speech.

Hon. Mr. WARK—With regard to the Londonderry bend, I never thought that Londonderry mine should not be favored. But I do think the direct line should not have been departed from. The Government might have given them every facility to reach their property without making this bend in the line. They might have aided them in adding a few miles to the length of their branch, and built the main line in its proper direction, and the amount of traffic would have been the same, but with much more advantage to the public.

Hon. Mr. READ—As there is no one else desirous of speaking on this subject, I claim the indulgence of the House while I answer a few remarks which have been made by hon. gentlemen opposite. It is in no spirit of hostility to the Government that I have introduced this resolution, but because the public mind is exceedingly exercised about the great undertaking in which we have embarked, and because there is an impression in the country that when we have such small results for the enormous outlay to the present time, it will eventually swamp us. I believe if the enterprise is not entrusted to better hands than the present Government, it will involve us in bankruptcy. When we find \$10,000,000 already gone, a considerable portion of which has not been expended according to the Acts of

Hon. Mr. Wark.

Parliament relating to the Pacific Railway, we may well feel anxious about the future. I ask whether the Government have complied with the terms of the 12th clause of the Act which they placed on the Statute Book in 1874? It is as follows:

“In case it shall be found by the Governor in Council more advantageous to construct the said railway, or any portion thereof, as a public work of the Dominion of Canada, the construction thereof shall be let out by contracts offered to public competition.”

As I stated in my remarks, when moving this resolution, half a million of dollars has been expended by the Government without tender, and the hon. Secretary of State has not attempted to disprove that statement. The amount paid, in one instance, was \$316,515, and in another, \$206,171. The hon. Secretary of State did not attempt to deny that the steel rails for British Columbia had been purchased without competition, though there is evidence in the published return, that a number of makers of rails were anxious for an opportunity to compete for supplying them. In the transportation of rails from Duluth to Red River, \$15 per ton, of 2,000 pounds, was paid, when the Government had an offer from a firm in Hamilton, to do the work for \$13.50 per ton of 2,240 pounds. In that one instance, the country lost \$50,000, at least, by the action of the Government. How much more was lost, cannot be known, because the Government did not ask for tenders. Then, in the purchase of rails for British Columbia, after promising firms, that were enquiring whether the Government needed more rails, that if more were required they would call for tenders, they made a direct offer to Cooper, Fairman & Co. to supply 5,000 tons, at £10 10s. per ton, though they had, only two days before, bought a similar quantity from another firm, at £10 per ton. I should like to know what that can be called, if it is not gross favoritism? Then, in freighting those rails, they did not call for tenders any more than in the purchase of them, but a direct offer of two pounds sterling per ton, was made to Cooper, Fairman & Co., and they were enabled to make such arrangements as would be most profitable to themselves. I do not know what the country lost in that transaction, and the Government do not

know themselves, because tenders were not invited. It was, to say the least, an unbusiness-like transaction, and in violation of the Act of Parliament which they had placed on the Statute-book. It was indefensible, and neither the Secretary of State, nor any of his supporters, made any reference to it in their speeches. The hon. Secretary of State did attempt to defend the bolts and nuts transaction, suspicious though it was. Although there were tenders ranging from \$82.75 upwards, the Government awarded the contract to Cooper, Fairman & Co., at one hundred and one dollars per ton, and the country lost, in that little transaction, \$1,364.80. The Secretary of State tried to mislead the House by telling us that Cooper, Fairman & Co. had to pay the duty while the others tendered free of duty. I shall have to read the following letter to show that was not the case, but that the tender of Cooper, Fairman & Co. was the same as the others:—

“MONTREAL, July 29th, 1875.

“DEAR SIR,—We beg as Agents for “The Patent Bolt and Nut Co.,” of Birmingham, England, to supply the Government with the necessary iron fish bolts and nuts to lay 20,000 tons of steel rails on a railway track subject to “Sandberg’s” inspection before leaving the works, to be delivered in bond in Montreal as per prices accepted and mentioned in your letter to us on this subject, dated February 18th, in (\$101) one hundred and one dollar portion. These are for the Mersey steel rails.

“We are, dear Sir,

“Your obedient servant.

“COOPER, FAIRMAN & CO.

“To the Honorable,

“The Minister of Public Works,  
“Ottawa.”

I think that was a case of gross favoritism. Again, we find that the people who were supplying rails at the lowest price, and who had offered to supply bolts and nuts at \$8.00 per ton less than Cooper, Fairman & Co. received for them, were forced to deposit \$25,000 security in the hands of Glyn, Mills & Co., before they could get the contract, while none of the other tenderers were required to put up a dollar. That firm supplied 10,000 tons, and were anxious to supply more, but Cooper, Fairman & Co., who supplied 25,000 tons at higher rates, (besides the bolts and nuts,) were not asked to give one dollar as security, so far as we can see by the returns. Is not this circum-

Hon. Mr. Read.

stance most suspicious, when coupled with the fact that Cooper, Fairman & Co., received \$104,314.73 more than others had offered to supply the same material and perform the same service for? Something has been said about the transportation of the rails to Duluth and Fort William, and my hon. friend from Hamilton, who was one of the ring, if I may use that word without offence—

Hon. Mr. WARK—I think the hon. gentleman is out of order when he charges a member of this House with being a member of a ring.

Hon. Mr. WILMOT—There are a good many rings in the country.

Hon. Mr. WARK—The language is unparliamentary.

Hon. Mr. WILMOT—I do not think it is.

Hon. Mr. READ—I did not mean to use the word offensively.

Hon. Mr. WILMOT—I have used the same language with respect to bank rings.

Hon. Mr. WARK—The hon. gentleman did not refer to any member of the Senate particularly.

Hon. Mr. READ—I shall now read Mr. Samuel’s tender. It is as follows:

MONTREAL, 16th April, 1875.

“SIR,—I beg to tender for the forwarding of the steel rails from Montreal, to Duluth or Fort William, required for the Pacific Railway for the season of 1875, as advertised for by you in the Montreal Herald, for the quantity named in the said advertisement, say five thousand (5,000) tons at the rate of six dollars (\$6 00) per ton of 2,240 lbs

The rails to be delivered to me not later than 10th September next, at Montreal, free of harbor dues.

The Department to take delivery of the rails at the port of destination, and grant a receipt for the same, and the freight to be paid on the production of the said receipt.

“I have the honor to be, Sir,

Your obedient servant,

(Signed), E. SAMUEL,  
P. O. Box, 483½.

To the Honorable,  
The Minister of Public Works,  
Ottawa.

Hon. Mr. HOPE—Delivered where? In what part of Montreal? At the canal basin or in the harbor?

Hon. Mr. READ—Did the hon. gentleman take the rails from the ship?

Hon. Mr. HOPE—Jacques & Co, were paid for taking them.

Hon. Mr. READ—Another party was paid for that service; and the country paid \$11,000 that year for removing those rails from Montreal, which is an additional charge. The hon. gentleman has attempted to mislead the House. I am really surprised at him talking to us as if we were children.

Hon. Mr. HOPE—Explain Samuel's tender!

Hon. Mr. READ—It explains itself. The extra charges for removing the rails from the ship to the canal basin and wharfage amount to \$1 per ton, and bring the cost of transportation up to \$7.20 per ton. The same service could have been performed for \$4.16 per ton if the offer of Perkins, Livingston & Post had been accepted. The loss to the country is \$3.04 per ton.

Hon. Mr. HOPE—What tender are you alluding to?

Hon. Mr. READ—The tender of the party who put up the \$25,000 security.

Hon. Mr. HOPE—What about the consignees unloading? Why don't you bring that out?

Hon. Mr. READ—Why don't you give me time to bring it out? The hon. gentleman knows very well; he has been inside. He knows Cooper, Fairman & Co. got their profit, and he got \$5 per ton for carrying the rails, though the following year, when it was offered to public tender, he did the work for \$4.50.

Hon. Mr. MACPHERSON—The difference to the country is \$20,400.

Hon. Mr. HOPE—Explain Samuel's letter!

Hon. Mr. READ—Mr. Samuel refers to the advertisement in the Montreal *Heralt*, which says he has to pay the insurance. It is childish to talk to men who have been in business all their lives, as most of us in this House have been, as though we knew nothing of such matters.

Hon. Mr. HOPE—Why didn't Mr. Samuel say he would pay the insurance?

Hon. Mr. READ—I know it is a sore  
*Hon. Mr. Read.*

point, because the conduct of the Government is indefensible, and the hon. gentleman knows it, but, while the country lost the money the hon. gentleman and his friends got it. I have no complaint to make against him, but I do complain that the Government did not take the lowest tenders, and that they resorted to a subterfuge to get rid of Mr. Samuel by saying he was not a steamboat owner. They give the contract to Cooper, Fairman & Co., who are not steamboat owners, because they represent a line of steamers. Mr. Samuel occupies the same position, and offers any security that may be required for the proper performance of the work. There is a gentleman in this House who knows Mr. Samuel's opinion of the Government, and though he is a supporter of the Ministry he could let us know what that opinion is.

Hon. Mr. HOPE—We should be glad to hear it.

Hon. Mr. READ—Besides the tender of Perkins, Livingston & Post, at \$4.16, including insurance, there was a tender from Cox & Green at \$5. There is also the following letter at page 50 of the return:—

“MONTREAL, 2nd March, 1875.

„DEAR SIR,—In the matter of rails arriving at Montreal during the summer of 1875, it will be necessary for the Government to have some reliable party to receive and check same from vessels; also to make arrangements for freights and insurance to Western ports. There will probably be some handling, and possibly cartage on part, and Customs entries to pass at Montreal. We would propose to attend to all this properly and with best of our ability, for say one per cent on freight West.

“Or we would undertake to deliver, say 10,000 to 15,000 tons at Duluth Thunder Bay, for five dollars and seventy-five cents gross ton, and to Georgian Bay for fifty cents per ton less, which amounts would cover insurance as well as freight, the Government agreeing to pay any and all charges for handling, cartage, harbor dues, &c., should there be any against said rails. Good substantial wharfs to be provided by the Government at the places of destination, with sufficient men to take delivery, and pile and properly check and give receipt for said rails, &c.

We are, dear sir,  
Yours sincerely,

(Signed) COOPER, FAIRMAN & Co.”  
Department of Public Works,  
Ottawa.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. READ—Didn't the Government pay \$11,000 for removing 11,000 tons of rails from the ship to the canal basin and wharfage? Don't the Public Accounts show it?

Hon. Mr. HOPE—Cooper, Fairman & Co. never got a cent except the \$6.20 per ton.

Hon. Mr. READ—I do not say the hon. Senator got it, but it was paid by the Government.

Hon. Mr. HOPE—The hon. gentleman is mistaken.

Hon. Mr. READ—No; the Government paid for the handling of the rails in Montreal.

Hon. Mr. HOPE—The 12,000 tons were carried at \$6.20 per ton,

Hon. Mr. MACPHERSON—There was the \$11,000 besides.

Hon. Mr. HOPE—Not at all.

Hon. Mr. RYAN—They returned it; it was a mistake.

Hon. Mr. READ—The hon. Senator from Hamilton and his friends got \$6.20 and the Government paid \$1 more.

Hon. Mr. HOPE—They were taken from the ship's side at \$6.20, and when the contractors did not take them fast enough, the Harbor Commissioner put on teams and teamed them, and charged them with the amount.

Hon. Mr. READ—The Public Accounts tell a different tale. The Government paid \$1 a ton additional for removing them. We never had an explanation of the letter from the same parties offering to do the same work for \$5.75, a few days before the contract was given out.

Hon. Mr. HOPE—There was cartage and handling besides.

Hon. Mr. READ—I do not say there was too much paid for the transportation of those rails, but I do say there was gross favoritism shown in giving the contract when there were tenders in from other parties,—one at \$4, and another from Cox & Green, at \$5.

Hon. Mr. HOPE—Cox & Green did not tender.

Hon. Mr. READ—The hon. gentleman will see that they did if he will read.  
*Hon. Mr. Read.*

fer to the following letter of December 17th :

“ 13 & 15 HOSPITAL STREET,  
MONTREAL, 17th Dec., 1874.

“ DEAR SIR,—Referring to ours of the 7th instant, we would esteem it a favor if you would kindly reply to enquiries we then made, which were as follows:—1st. The latest date at which it is necessary that the draft of the contract for steel rails should be returned duly signed; 2nd. Particulars of the modifications proposed on Sandberg's Standard.

“ Our reasons for troubling you on these points we explained in ours of the 7th instant. We notice that a portion of the rails purchased by the Government are intended for delivery on Lake Superior, the Government allowing an extra \$5 per ton for this purpose. Should you wish us to deliver our 5,000 tons at that point, we should be glad to hear of this wish as soon as possible, to enable us to make the necessary arrangements for forwarding the rails from Montreal to Lake Superior.

“ Apologising for thus troubling you.

“ We are dear Sir,

“ Yours truly,

“ (Signed), COX & GREEN.

“ F. BRAUN, Esq., Secretary  
Department of Public Works,  
Ottawa.”

I say any business man, acting for himself, would at least have replied to such offers and ascertained who would give him the best value for his money. There are several such letters, and no notice is taken of them by the Department. An attempt has been made to show that the rails were purchased in all cases from the makers. There was no tender in from Naylor, Benson & Co., but it was from Cooper, Fairman & Co., who were given the great advantage to which I have referred. The Secretary of State has said that this House has not given the first note of approval of the Pacific Railway policy of the Government, but I ask any hon. gentleman to point out where approval could be fairly given to any part of that policy. Have they done one thing properly? I fail to find one instance in which they have deserved the approval of this House or of the country. I do not regret having introduced this motion. It has engaged the attention of this House for a long time, I think with profit to the country and advantage to the Government. We have tried to point out the rocks on which they have drifted, with the hope they will avoid them in future. The hon. Senator from New Brunswick called me the “watchman on the tower.” I have

no objection to that; I think the Government require watching. We have had nothing but scandals cropping up ever since they came into power. The late Government did not require watching; they discharged their duties in a business like manner. They were capable men. If the present Government have displayed any business capacity in connection with the construction of the Pacific Railway. I have yet to learn where it has been exhibited.

The House divided on the resolution which was adopted by the following vote:—

## CONTENTS :

## The Hon. Messrs.

Aikins,	Flint,
Alexander,	Girard,
Allan,	Guevremont,
Armand,	Hamilton (Kingston),
Bell-rose,	Haviland,
Benson,	Kaulbach,
Botsford,	McLelan, (Lon'nd'ry)
Bourinot,	Macfarlane,
Campbell,	Macpherson,
Carrall,	Miller,
Chapais,	Montgomery,
Cornwall,	Muirhead,
Dever,	Read,
Dickey,	Ryan,
Dickson,	Seymour,
Dumouchel,	Skead,
Ferguson,	Trudel, and
Ferrier,	Wilmot.—36.

## NON-CONTENTS :

## Hon. Messrs.

Baillargeon,	McMaster,
Bureau,	Pelletier,
Chaffers,	Penny,
Christie (Speaker),	Power,
Cormier,	Pozer,
Fabre,	Reesor,
Haythorne,	Scott,
Hope,	Simpson,
Leonard,	Stevens, and
McClelan (Hopewell),	Wark.—20.

## BILLS FROM THE HOUSE OF COMMONS.

## FIRST READINGS.

The following Bills from the House of Commons were read the first time :

“ An Act to amend the law relating to  
Hon. Mr. Read.

stamps on Promissory Notes and Bills of Exchange.”

“ An Act for the amendment of the Law of Evidence in certain cases of misdemeanor.”

It being six o'clock, the Speaker left the chair.

AFTER RECESS.

## MANITOBA CONFLICTING LAND CLAIMS BILL.

## CONSIDERATION OF AMENDMENTS.

The Order of the Day being read for the consideration of the message from the House of Commons, disagreeing to the amendment made by the Senate to the Bill intituled: “ An Act to amend an Act respecting conflicting claims to lands of occupants in Manitoba.”

Hon. Mr. GIRARD said—It was understood the other day when this question was before the Senate that certain papers would be submitted to this House in time to be of use in this discussion; but they have not been brought down, and I do not desire to delay the matter any longer. I have looked at the reasons given in the other House for disagreeing to this amendment, and I don't think they are sound. In my opinion the question has not been viewed in its true light in that House. They say in the first place :

“ 1st. That the proposed amendment is at variance with the general scope and title of the Act respecting conflicting claims to lands in Manitoba, under which the question whether any person has a claim against the Crown is not referred to the Commissioners, but only the cases of persons who had acquired some estate or interest in land from the Hudson's Bay Company, or the cases of adverse or conflicting claims between persons under sub-sections three and four of section thirty-two of the Manitoba Act, and in respect to which it has been previously established by the satisfaction of the Minister charged with the Administration of Dominion Lands that there has been undisturbed occupancy of the same. The question whether any person has a claim against the Crown is, and should be, determined by the Minister prior to any reference to the Commissioners.”

That is all very true; but in the present instance, it was not absolutely to decide a question with the Crown, but a question which comes under the Manitoba Act. Under that Act parties had ac-

quired certain rights and property in Manitoba, which rights were determined by that law. They were not the lands of the Crown on the 15th July, 1871, but they were the lands of the Hudson's Bay Company, of which the half-breeds and other residents of the Province had taken possession before that time. All that remained for the Government to do was to give patents to those people. The parties whose claims are effected by this amendment, have filed their applications in the Dominion Lands Office in Winnipeg, and their claims have been rejected without any sufficient reason. What appears to me extraordinary is the authority given to the Minister of the Interior to decide all such questions in his office, without consulting anybody. It seems to me it would be only right and proper that such cases should be decided in a court of justice or in some similar way. And it is a great responsibility on the Minister of the Interior to be obliged to discharge the duties of a court of justice. My desire in moving the amendment was to relieve the Government, and especially the Minister of the Interior of this heavy responsibility. The great distance between Manitoba and the seat of Government renders it exceedingly difficult for claimants to furnish evidence of the justice of their claims. If my amendment had been accepted by the Government the facts could have been elicited by the Commissioner on the spot, and it would have been more satisfactory to all parties interested. I have no hesitation in saying, that these land difficulties will cause trouble among the people of Manitoba yet. My desire was not to deprive the Minister of the Interior of the powers he now possesses under the law, but to elicit facts upon which he would be better able to render just decisions. But since he prefers to retain the responsibility given him by the Act, I must submit, and rest satisfied with the consciousness of having done my duty towards the people I represent in this House. There are other objections in the explanation given by the Minister of the Interior, which I certainly cannot understand, and which do not meet the case. When there is a desire to refuse justice it is easy to furnish reasons for it. The second and third reasons are as follow:—

“2nd. That the machinery provided by the  
*Hon. Mr. Girard.*

Dominion Lands Act enables the Minister in charge to make the necessary investigation in the cases provided for by the amendment more expeditiously, efficiently and cheaply than can be done under this amendment, should it become law.

“3rd. That the amendment would prevent the Minister from deciding adversely to the claimant without first making a reference to the Commissioners, although the evidence accompanying the application may conclusively show that the person asking for a patent has no valid claim.

I cannot understand why a decision could not be more expeditiously, efficiently and cheaply rendered upon facts than without them. What has the Minister of the Interior at present to base his decisions upon? He has the application of the claimant, accompanied by an affidavit. That is all. I do not see how evidence can be heard. He may have the advice of some parties in Winnipeg, but that is no proof. Would it not be more satisfactory to give the parties an opportunity to go before the Commissioner and have the evidence taken in writing, and submitted to the Minister here? The decision would, in that case, be satisfactory, but under the existing law the Minister is not in a position to decide in equity the cases submitted to him. I regret that such an arbitrary course is pursued by the Government. The fourth reason given for refusing the amendment is:—

“4th. That the amendment would injuriously impede the administration of Dominion Lands in Manitoba, and delay the allotment of some of the half-breed reservations.”

I cannot concur in that opinion. I believe it would facilitate the administration of the Dominion lands, and, even though it should have the effect of delaying the allotment of half-breed lands, it would be better to do so than to perpetrate an act of injustice. If any one has a good right to property, the Government has no power to deprive him of it, but must give him an opportunity to submit his proof, and, if that proof is good, must give him his title. When the Manitoba Act was passed, the men who would have been affected by this amendment were in possession of lands, and their claims must be preferable to those of the half-breeds. We should begin by doing justice to those who held lands before the transfer, before distributing the reserves among the half-

breeds. Sooner or later the Government will be obliged to establish some tribunal in Manitoba, before which claimants can go without expense and have justice done to them. Those people have been in possession of the lands they claim for years; they had been cutting hay and wood upon them: they have been taxed for them, and have always been regarded as the owners. Under the circumstances, I think it should not rest with the Minister of the Interior to decide upon their claims, but with a court of justice, whose decision would be based upon evidence. I have received letters from different parties in the North-West, where the course pursued by the Government is termed an iniquity. That is a strong term, but we cannot see, without a feeling of pain the owners of property exposed to loss through the action of the Government, who should protect them in their rights. I have been influenced by the best motives in coming here so often to advocate the claims of those whom I represent. I am acting upon that impulse now, and I should feel sorry if the Government were to suppose that I moved this amendment with any desire to interfere with their policy.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. GIRARD—My only desire is to bring the claims of those people under the notice of the Government, with a view to having them adjusted. I have done my duty, and the responsibility must rest with the Government if any trouble should arise from their policy in the future. I shall not oppose the Bill, because, while it would be much more satisfactory if my amendment were adopted, it will, nevertheless, be of some service to the people of Manitoba. I hope the hon. gentlemen who have given me such generous assistance in this House, will concur in the opinion I have expressed, and my determination not to insist on the amendment.

Hon. Mr. CAMPBELL—I am quite sure the sympathies of the House will be with my hon. friend in all that he has said, and that we shall all be glad to bear testimony to the zeal with which he has discharged his duty to that portion of the Dominion he more particularly represents in this Chamber. I am very sorry the

*Hon. Mr. Girard.*

Government have not acceded to the amendment he proposed to this Bill. I think his views should be received—I dare say they are received—with very considerable deference by the members of the Government; more particularly those in this House, and I regret that they have not been acquiesced in. I am persuaded my hon. friend forms a more accurate and safe judgment of what is best for the people of Manitoba than those who have advised the Government in the course they are now taking. We all know that in the Government there are objections raised to changes. The objections spring, not always from the Minister who happens to be charged with the Department, but from others in the Department, who are wedded to existing laws or usages, and who dread any innovation. Very often they are right, but sometimes they are wrong, as, it seems to me, they are in the case the hon. gentleman has submitted. If it comes from them they are mistaken, and it would have been better to have adopted the suggestion of my hon. friend and amended this law. I think I can make it clear to the House in a very few moments, that that would have been the better course. The original law affecting the lands in Manitoba contained two sub-sections relating to lands in occupancy, and the amendment of my hon. friend referred more particularly to those in occupancy by peaceable possession. This original act set forth, that for the quieting of titles, and assuring the settlers in the Province, in peaceable possession of lands held by them, that for all such lands held by them from the Hudson Bay Company, they should receive letters patent.

Hon. Mr. SCOTT—That has already been done.

Hon. Mr. CAMPBELL—I did not say that it had not been done. It will be observed all these clauses, except the last, turn upon titles derived directly or indirectly from the Hudson Bay Company. The last turns upon lands upon which the Indian title had not been extinguished. That was the state of things, and remained the state of things up to the time my hon. friend proposed his amendment.

Hon. Mr. SCOTT—Was that the amended Act.

Hon. Mr. CAMPBELL—No; it is the original Act of 1870. If the amendment of my hon. friend had been suggested as part of the original Act, I do not think it would have met with any objection, or that anybody would have said it was unfair to consider the cases of those persons who had been in actual peaceable possession, and undisturbed occupancy of lands, although they might not have derived titles from the Hudson Bay Company, and although it was uncertain whether their lands were lands as to which the Indian title had been extinguished or not. The question would have presented itself to the Legislature in this way—if a man is in possession of land, should his title not be examined into, whether he got it from the Hudson Bay Company or not? Now, the Government have said substantially that the title should be respected if the land were cultivated and fenced in, but no consideration should be given to it, and it should not be enquired into whether according to the usages of Manitoba he had a right to the land or not, if the occupancy consisted merely in having it staked out, and in cutting hay upon it. Two cases in which hay has been cut upon such lands have been mentioned by my hon. friend from Manitoba. If that lot had been immediately behind a lot in occupancy, the title would have been good, but if in another place, though the owner may have been cutting hay upon it and his possession may be as clear as though he had been ploughing it, yet his title is not even to be enquired into. We all know that those are possible cases. I know when I was Commissioner of Crown Lands, I enquired for a long time into the occupancy of an Island not far from here, in the Ottawa River. It could not be ploughed because it was rocky, and it could not be occupied because every spring it was flooded by water. There are places in Manitoba occupied for years where the people have cut hay, and the Government say that in such cases they will not even hear evidence as to the title of the claimant. It was to get at that class of cases my hon. friend proposed his amendment. I say if that amendment had been proposed in the original law everybody would have said it was fair. There are several kinds of possession,—ploughing and fencing in, and a posses-

*Hon. Mr. Campbell.*

sion also entitled to respect, by staking out and by cutting hay. Such claims should be enquired into as well as the others. That should have been enquired into also. It was omitted, and then came an amendment to the first Act, and finally, the Act provided that, before a case went to the Commissioner, the Minister of the Interior should decide whether the occupation was of that character which would justify further enquiry. Now, in practice, the Minister of the Interior says this kind of occupation does not deserve inquiry, and therefore the case goes no further. There may be occupation by a person living there who has been cutting hay for years, and such occupation is entitled to every respect and consideration, and there may be occupation of the speculator who goes there and puts down stakes, and claims by occupancy. I do not defend the second class, but I do defend the first, and competent authority should decide to which class such cases may belong. This is the very point at issue. The explanations from the other branch of the Legislature are:—

“1st. That the proposed amendment is at variance with the general scope and title of the Act respecting conflicting claims to lands in Manitoba, under which the question whether any person has a claim against the Crown is not referred to the Commissioners, but only the cases of persons who had acquired some estate or interest in land from the Hudson's Bay Company, or the cases of adverse or conflicting claims between persons under subsections three and four of section thirty-two of the Manitoba Act, and in respect of which it has been previously established, to the satisfaction of the Minister charged with the administration of Dominion Lands, that there has been undisturbed occupancy of the same. The question whether any person has a claim against the Crown is, and should be, determined by the Minister prior to any reference to the Commissioners.”

The Government say they will not accept this amendment, because it was contrary to the scope of the Act. It certainly does run contrary to the scope of the Act, but it is the only way by which parties, in the position described by my hon. friend from Manitoba, can obtain justice. I say it is holding out a stone instead of bread to those men to say they can obtain justice by establishing their claims in Ottawa. As a rule, they are poor, uneducated men living in Manitoba, and how are they to present their claims in Ot-

tawa? Hon. gentlemen who are familiar with the administration of Crown Lands know that to establish occupation involves the examination of a number of witnesses, that there are affidavits to be drawn out, and that a great deal must be done on the spot. I say justice would be much more readily obtained by the adoption of the amendment, notwithstanding the fact that it is contrary to the scope of the Act. Then the second objection is as follows:—

“That the machinery provided by the Dominion Lands Act enables the Minister in charge to make the necessary investigation in the cases provided for by the amendment more expeditiously, efficiently, and cheaply than can be done under this amendment, should it become law.”

I deny that absolutely. I am confident in my own mind the Minister of the Interior cannot make the investigation “more expeditiously, efficiently, and cheaply.” I say it is contrary to our knowledge of business to suppose that a man at this distance from the place where the land is, and where the persons who know all about it reside, can decide such a case “more expeditiously, efficiently, and cheaply” than a man who is on the spot and hears the whole of the case from the persons who know all about it. The third reason is as follows:—

“That the amendment would prevent the Minister from deciding adversely to the claimant without first making a reference to the Commissioners, although the evidence accompanying the application may conclusively show that the person asking for a patent has no valid claim.”

The amendment would throw the decision into the hands of the Commissioners, and I think that would be a great advantage to the people there. This Act is not for the convenience or advantage of the Minister of the Interior, or the Commissioners, but of the people of Manitoba, and, I venture to think, every person who will give himself the trouble to enquire into or think upon the subject will believe that, in the interest of the settler, the cases that arise can be more thoroughly enquired into on the spot. The fourth reason is:—

“That the amendment would injuriously impede the administration of Dominion Lands in Manitoba, and delay the allotment of some of the Half-breed reservations.”

*Hon. Mr. Campbell.*

That depends upon the way the Act is administered. No delay need arise. I think upon these grounds which I have given, that my hon. friend from Manitoba was right, and that he knows better than those who have prepared these answers what is in the interests of the people of Manitoba, and that his arguments and the reasons he has given are such as to satisfy persons who have no more concern in the matter than we have. I ask any hon. gentleman to put himself in the place of those poor men living there, without education, very poor and not possessing the means of employing a person competent to lay their cases before the head of the Department, and say whether they would not prefer to submit their cases to a Commissioner on the spot, and have an opportunity of getting judgment there and then?

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—I venture to think that would be much more satisfactory to the settler, and it is only the settler's interest and convenience that should be considered in a matter of this kind. I heartily supported my hon. friend in endeavouring to get justice for the people he represents, but, as he has said, in a way that should command the sympathy of the House, since there is some advantage to be derived from this Bill, and he will not take the responsibility of insisting upon his amendment, I gladly follow in his footsteps and allow the amendment to drop, though I am persuaded the course he pursued was right, and his amendment would have been in the interest of the people of Manitoba.

Hon. Mr. SCOTT—Although this question was discussed very fully in this House on a former occasion, it would not be proper to let the speeches of the hon. gentlemen opposite go unanswered. I have already explained to the House that it is impossible to point out one single case of hardship, where occupation had been established, that the Department had not respected. The Minister is represented at Winnipeg; an official is there who receives claims of this sort and remits them to the Department, and all claims up to 1872 of any character—even of the most shallow description—have been admitted.

The hon. Senator says there is a class of claims not admitted, where parties held according to the usages of Manitoba. I deny that. All such claims were respected. Those claims which my hon. friend desires to get in, are cases which I am sure, if the hon. gentleman were a trustee for the people, would not be recognized by him. The class is well known to the Department, and with every disposition to meet the views of all claimants, they could not do so, because it would simply err giving the more energetic speculators an advantage over others. I am just as anxious as anyone can be, to have every reasonable claim respected. I would rather err on the side of generosity than otherwise, where the public domain is concerned. I am quite sure the hon. Senator from Kingston has settled more claims himself, in his own office, when he administered the Crown Lands, than have ever arisen in Manitoba. I know I have, and I have settled them on affidavits or reports of agents who were sent to enquire into such cases, or, where they were of sufficient importance to justify the sending of surveyors, on their reports. The cost of commissioners in the North-West has been something fabulous. You appoint a commissioner, and he gets \$10 a day for his services. The consequence is, he takes days to decide a case which should not occupy as many hours. Their object is to delay cases. If my hon. friend can inform me of one case of hardship, I will go with him to the Department and investigate it. I have spoken to Col. Dennis on the subject. He is thoroughly acquainted with the character of those cases, having been in Manitoba himself.

Hon. Mr. SUTHERLAND — Before the question is disposed of, I would like to make a remark or two in regard to the question before the House. I supported the amendment of my hon. colleague with the expectation it would facilitate the settlement of certain claims which I know of, although the hon. Secretary of State says he believes there are no such claims. I know of some two or three claims myself, personally, which have not been settled, and certainly in some of those cases the parties are not in a position to bring forward their claims as they would do if the amendment of my hon. friend were accepted. Their means would not

*Hon. Mr. Scott.*

permit them to bring their cases before the Minister in Ottawa.

Hon. Mr. SCOTT—My hon. friend's statement of the case would be sufficient.

Hon. Mr. SUTHERLAND—I admit there are several claims which should not be recognized and which an impartial commission would reject. I am well aware there are not a great many that would be recognized.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. SUTHERLAND — Still those claims are subject entirely to the views entertained by the land agent there, and the whole or final decision hangs on his report, the claimant having no tribunal before which he can go and submit his case, or bring a witness, no matter how material the evidence may be. These are the grounds on which I supported the amendment. While I admit there are claims which would not be recognized, there are some others within my own knowledge that I know it would be a very great injustice to reject.

Hon. Mr. GIRARD—The hon. the Secretary of State has asked me to mention a single case where justice has not been rendered. I have to-day received a letter from a gentleman occupying a high position in the Province of Manitoba, and with the leave of the House I shall communicate a part of it. I think the hon. the Secretary of State will admit that according to the laws of Manitoba, this gentleman should have been granted his patent nevertheless his claim has been rejected. I hope the Hon. the Secretary of State will take some interest in the matter, and say whether the statement I am about to submit is correct or not.

Hon. Mr. SCOTT—If the hon. gentleman sends me the letter I shall look into it.

Hon. Mr. GIRARD—The land to which I refer is at St. Agathe. The property has been in the possession of the gentleman since 1862, and was surveyed by Roger Goulet, a surveyor under the Assiniboia Government. He possesses two properties in that part of the Province both of which were surveyed under the Assiniboia Government. One property is on the west side of the Red River, and there is a church on it. The other is on the east side, and it is kept as wood land.

It is acknowledged by all the public there as the property of the Mission, and is taxed as such. It is designated by the number 564, St. Agathe. The patent for that land has been refused under the pretext that the property is not occupied. The party has been in possession for sixteen years.

Hon. Mr. SCOTT—If the statement be correct the claimant is entitled to his land, because that class of cases is specially provided for. Anyone in possession of land according to the usages of the Council of the Assiniboine, has his title under the law. That is not a case that would be equated into under the amendment.

Hon. Mr. GIRARD—The claimant to whom I have referred was refused his patent on the pretext that the land was not occupied, and he informs me that a great many other persons are in the same position. I contend they should be given an opportunity to establish their claims. I hope the Government before long will admit the justice of my views. I think it is not right that the Department of the Interior should become a sort of Star Chamber, where decisions affecting men's claims to property, can be rendered in secret, without the parties interested being afforded a chance to give evidence in support of their claims.

Hon. Mr. SCOTT moved :—

“That this House doth not insist on their amendment to the Bill intituled, ‘An Act to amend an Act respecting conflicting claims to lands of occupants in Manitoba,’ to which the Commons disagree.”

The motion was agreed to.

### INSOLVENT INSURANCE COMPANIES' BILL.

#### THIRD READING.

The House went into Committee of the Whole on the Bill intituled “An Act to make provision for the winding up of Incorporated Fire or Marine Insurance Companies. Hon. Hr. Haviland in the chair.

Hon. Mr. Girard.

The Bill was reported without amendment, read the third time and passed.

The House adjourned at 9:15 p.m.

### THE SENATE.

Monday, April 29th.

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings,

### INTERCOLONIAL RAILWAY.

#### MOTION FOR RETURN.

Hon. Mr. WARK moved :—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House,—A return of the land taken for the purpose of the Intercolonial Railway and its branches, in the Counties of Restigouche, Gloucester, Northumberland, Kent and Westmoreland, specifying the place where situated, the names of the respective owners, the quantity of land taken from each, the dates at which the respective appraisements were made, the value put on the respective lots by the appraisers, the price subsequently paid for such lots respectively, the value put on buildings, or for removing buildings, the amount likewise paid for such buildings or their removal together with the names of the appraisers.”

The motion was agreed to.

### PUBLIC ACCOUNTS AUDIT BILL.

#### COMMITTEE OF THE WHOLE.

Hon. Mr. SCOTT moved the House go into Committee of the Whole, on Bill No. 53, intituled “An Act to provide for the better auditing of the Public Accounts.”

Hon. Mr. DICKEY—I wish to call the particular attention of the House, and more especially of the Government, to the anomalous position in which we are placed in relation to this Bill, by the postponement of the Bill abolishing the office of Receiver-General. That Bill proposed to abolish the office of Receiver-General, and at the same time to create the new office of Attorney-General. It was objected to by my hon. friend from Sunbury, on the

ground that there was no substitute, no check on the public expenditure, and therefore, it was undesirable to proceed with the Bill, and he moved the postponement. I must confess, that when the Bill was introduced in the House, I gave my opinion as to the course we ought to take upon it, and that course was to pass the Bill as it stood, merely striking out the clause which created the new office of Attorney-General, and I so expressed myself on the second reading. I had the misfortune to differ from all the hon. gentlemen who spoke on the question. The hon. the Secretary of State made a passing allusion to the fact that there was a Bill in another place which would provide a check, in substitution for the Receiver-General, but he gave us no intimation as to the provisions of that Bill, and we were left without any idea as to what extent it was proposed to go in that direction. We had nothing but the Bill before us, and we had to deal with it as a measure to abolish the only existing check to the Finance Department, with respect to the expenditure of the country. Hon. gentlemen on all sides of the House stated they were unwilling to remove that check until a substitute was proposed. I took the liberty of suggesting to the hon. Secretary of State that, as I was in favor of abolishing the Receiver-General's office if a substitute were provided, this Bill should be postponed until the other Bill was before us. On some slight objection being taken to that by the leader of the Opposition, the hon. Secretary of State said the House might as well proceed to a division.

Hon. Mr. SCOTT—I asked the House to allow the Bill to stand, if in their judgment they were prepared to consider the Bill when it came up. The intimation I received, was that the Opposition were determined to adhere to the position they had taken.

Hon. Mr. DICKEY—I did understand my hon. friend to the effect that he was willing to postpone the Bill until the other came forward. When my suggestion, adopted by the Government, was combated by the leader of the Opposition, the hon. Secretary of State, instead of appealing to the House to carry out his views, in which I think he would have

*Hon. Mr. Dickey.*

had a very large support on this side of the House, at once gave way and called for a division. The truth is, it left on my mind the impression that the Government would rather have the Bill defeated than have the clause for the creation of the Attorney-General's Department struck out. We are now confronted with this peculiar state of affairs, after having defeated that Bill, and thus retaining the office of Receiver-General, we are now called on to create the additional office of Auditor-General.

Hon. Mr. MILLER—It is not an additional office.

Hon. Mr. WARK—We have always had the office of Auditor-General.

Hon. Mr. DICKEY—I adhere to what I have said, that it is proposed to appoint a new officer.

Hon. Mr. SCOTT—My hon. friend will see that is not the case when we come to consider the details of the Bill.

Hon. Mr. DICKEY—Then the Bill must be modified very considerably. As it stands, it provides for the appointment of a new Deputy Minister of Finance, in place of Mr. Langton, and it creates a new Department independent of the Government of the day, with all the corresponding officers with it, while the Department of Receiver-General is also retained. Therefore, it is an additional Department to the Government of this country, and, as I hold, an entirely unnecessary Department if the office of Receiver-General is not abolished. The Receiver-General's Department is very expensive, costing about \$29,000 a year; and it is a question what we should do under the circumstances. I may be asked, "What do you propose to do?" Since my advice was not taken on the former occasion, I hesitate about offering any now. However, I am in favor of passing this Bill, and adding a clause to abolish the office of Receiver-General, and transferring his duties to the Finance Department. In that case we should carry out a very useful reduction in the public expenditure, and establish an excellent tribunal for auditing the Public Accounts without any increase of expense, because I put the expense of the new Department against that of the Receiver-General's Department. I believe, in that

way, we should be carrying out a reasonable reform required by the two great parties of this country, because I can conceive no party would desire to retain the Receiver-General as a check on the Finance Department, when we have an independent tribunal—the Auditor-General—as a more efficient check upon that Department.

Hon. Mr. MILLER—I distinctly remember what took place when the Receiver-General's Bill was before this House. My hon. friend from Amherst stated it would be better to pass the first clause and abolish the office of Receiver-General, and not to pass the other clauses of the Bill, establishing a new officer in connection with the Department of Justice. But I did not understand him to desire to have the consideration of that Bill delayed until this measure came before the Senate. When the House was asked whether it desired to delay the consideration of the Receiver-General's Bill until this measure came up from the other Chamber, there was but one expression on this side—that it would have been more proper if the Government had introduced the two Bills at once, and not separated them as they had done. Nothing more was urged. That Bill was defeated. It was perfectly competent for any gentleman who took a different view to have moved to strike out the clause appointing the Attorney-General. My hon. friend did not do so. With regard to the Bill before the House, I do not think it contemplates appointing a new officer at all.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MILLER—It comes before us with the declaration of the hon. Secretary of State, that it is to be so modified, that it will not create a new office. The Bill, as originally drawn, was predicated upon the supposition the Receiver-General's Bill would have become law. And if it had, it was intended to create, in addition to the office of Auditor-General, a Deputy Finance Minister, who would occupy the position, I presume, in place of the present Deputy Receiver General. At all events, he would take that position so far as the number of officers in the Department is concerned. As that office is not abolished, I understood

*Hon. Mr. Dickey.*

my hon. friend to say that provision of the Bill would be struck out, and the object of this measure is the appointment of an Auditor-General, under such conditions as are mentioned in the Bill. Of course the existing office of Auditor will be abolished when this act becomes law; and therefore we will impose no additional burden upon the country by the passing of this Bill. I agree with the hon. Secretary of State and the leader of the Opposition, that we are taking a very wise course in establishing that very important office upon a foundation which will render the incumbent independent of all parties, and of the Government, in the discharge of the functions of his office. He will act without any fear of being controlled except by the legitimate and impartial power of Parliament. Under the circumstances, I presume that my hon. friend, the leader of the Government in this House, will carry out the promises he made to the House when the Bill was read the second time.

Hon. Mr. SCOTT—The facts of the case have been so fairly and fully stated by the hon. Senator from Arichat, that it is unnecessary for me to enter into any explanations. It is proposed, and I have introduced a clause to carry out that object, to make the Deputy Minister of Finance act also as Deputy-Receiver-General, so that there will be no additional office. I am not prepared to say what reduction will take place in the staff of the Receiver-General, but I must assume that the officers of that Department are employed at necessary work in connection with the debentures and foreign loans, and, therefore, there cannot be much reduction, if any. The duties of the officers of that Department would still have to be performed, whether there was the Receiver-General's Department or not.

Hon. Mr. DICKEY—I certainly made a suggestion before the House the other day that the Receiver-General's Bill should stand until this measure came before the House.

Hon. Mr. SCOTT—Certainly; that is my recollection of it.

The House then went into Committee, Hon. Mr. Montgomery in the chair.

On the 4th clause,

Hon. Mr. DICKEY asked on what ground an official could be prevented from serving on a jury? It seemed to him that was a local matter.

Hon. Mr. SCOTT thought the object was to provide that the officials of the Departments should at all times be in attendance during office hours to attend to the public business.

Hon. Mr. MILLER questioned whether this Parliament had the power to exempt officials from municipal duties.

Hon. Mr. SCOTT thought the hon. gentleman was right, but his (Mr. Scott's) impression was that any Court would respect the provisions of a law of this kind, and not fine an official who failed to attend on a summons to serve on a jury.

After some further discussion, the clause was allowed to stand.

On the 18th clause,

Hon. Mr. WILMOT said he differed from the hon. Senator from Amherst as to the desirability of abolishing the Receiver-General's Department, because it was the right sort of check in connection with income and expenditure. If the hon. gentleman wished to effect a saving, it could be done by abolishing the Inland Revenue Department and allowing the Customs Department to collect all the revenue. That had been done in the Maritime Provinces before Confederation, and he saw no reason why it should not be done now. The Minister of Customs would be quite able to supervise the whole of the collection of the revenue.

Hon. Mr. DICKEY said he had not only made that suggestion, but he had gone further and suggested that the office of the President of the Council should be abolished.

Hon. Mr. SCOTT said if the hon. Senator for Sunbury would make enquiry he would find that it was impossible for one Department to collect the Customs and Excise duties. The Customs was one of the largest Departments in the Government, and required the attention of a very active head; and the Inland Revenue Department was also very large, the collections being \$5,000,000 annually, and its ramifications being all over the country. The Excise duties were not at all

*Hon. Mr. Dickey.*

similar to the Customs duties. He did not think anything could be gained in that direction.

Hon. Mr. DEVER was of opinion that the office of Minister of Inland Revenue should be abolished. When the announcement had been made in the Speech from the Throne that there would be changes in the public offices, he had hoped that it referred to the abolition of the Receiver-General's office. He regretted that it had not been done.

Hon. Mr. AIKINS called attention to the fact that the Auditor-General was empowered to discharge officials under him, a power greater than a Minister of the Crown possessed.

Hon. Mr. CAMPBELL said the object of the Bill was to establish an independent authority for the auditing of the accounts outside of the Government altogether. Unless the Auditor-General were given some control over those employed in his office, how could he be held responsible for the proper performance of his duties.

Hon. Mr. AIKINS—To make it consistent, he ought to have the power to appoint his officers.

Hon. Mr. SCOTT—This provision gives him the veto power.

After some further discussion the clause was adopted.

On the 17th clause,

Hon. Mr. WILMOT contended that the effect of this provision would be, practically, to put the Receiver-General's Department under the Finance Department.

Hon. Mr. SCOTT said those who had taken the trouble to analyze how far the Receiver-General was a check on the Finance Department, had come to the conclusion it was not the check that was generally supposed; practically, the check was the Auditor. Under this Bill all checks would have to be signed by three officials.

Hon. Mr. WILMOT said the effect of this Bill was to make the Deputy Minister of Finance control the Receiver-General's Department. He certainly did not approve of it, because it would do

away with the check between the two Departments.

Hon. Mr. DICKEY said this was based upon the idea that the office of Receiver-General was to be abolished. The further the House proceeded with the Bill the more necessary would it appear that the Receiver-General's office should be abolished.

Hon. Mr. MILLER—There is no law creating the office of Receiver-General.

Hon. Mr. WILMOT—There is none creating the office of Finance Minister.

Hon. Mr. MILLER said it might be a question whether Government could not drop the office of Receiver-General altogether, and if they could get this Bill in the shape they wanted it, they might do so contrary to the wish of Parliament.

Hon. Mr. WILMOT thought it was rather extraordinary that the Government should attempt, at the very last Session of this Parliament, to reorganize the Departments. It was simply giving them a much larger amount of patronage than they would have controlled without this Act.

After some further discussion the clause was adopted.

The Committee rose and reported the Bill with certain amendments.

Hon. Mr. SCOTT moved that the report of the Committee be taken into consideration to-morrow.

The motion was agreed to.

## THE INDEPENDENCE OF PARLIAMENT ACT.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (14) "An Act further securing the Independence of Parliament."

He said: The object of this Bill is to make more clear the laws relating to the Independence of Parliament. The present Bill defines more clearly those clauses of the Independence of Parliament Act, affecting principally the members of the other House. The first section of the Act is much the same as the law stands at present. The second sub-section is a new feature which provides that no per-

*Hon. Mr. Wilmot.*

son entitled to any superannuation or retiring allowance from the Government of Canada shall be eligible as a member of the House of Commons. The second and third clauses relating to Ministers of the Crown are the same as the present law. The fourth is a new clause making more clear that persons having transactions with the Government, the sale of goods, for instance, or by transactions that were not clearly defined under the former Act, shall be ineligible to be elected as members of the House of Commons, or if elected, shall be liable to the penalties provided by this Act. In the fifth clause the penalty for a breach of the Independence of Parliament Act is reduced from \$2,000 to \$200 per day. The seventh clause is also a new one, because it declares this Act shall not extend to disqualify any member of the House of Commons, by reason of his being a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except companies undertaking contracts for the building of public works, and any company incorporated for the construction or working of any part of the Canadian Pacific Railway. Clause number eight is a clause which has been borrowed from the Imperial Act, which requires that in all contracts or agreements made with the Government, or any of the Departments, there shall be inserted an express condition that no member of the House of Commons shall be admitted to any share or part in such contracts or agreements, or to any benefit to arise therefrom, and subjecting the parties connected with the contract to a large penalty for any breach of this clause. The ninth clause is also a new one. It makes provision that where a contract has existed, and the carrying out of that contract with the Crown is thrown upon a party by devise or inheritance, he shall not be thereby disqualified, as time is given to relieve himself of the responsibility.

Hon. Mr. MILLER—That is a new clause.

Hon. Mr. SCOTT—It has been suggested to me that a case might arise in Lower Canada where the devisee would be compelled to carry out contracts of this kind, or otherwise might forfeit his share in the estate. The next clause is an im-

portant one. It is the first time that any provision has been made to disqualify Senators from taking contracts from the Crown. It provides that Senators entering into any agreements or contracts with the Crown, which, by this Act, would render any person incapable of being elected to the House of Commons shall thereby forfeit the sum of \$200 for each day, during which he continues to be concerned in such contract or agreement. Of course it cannot affect the seat of a Senator, as this House is independent of Parliament. Therefore, a Senator having such a contract as would disqualify a member of the House of Commons from sitting, or voting, incurs a per diem penalty while he holds such contract. There is a provision that this section shall not render any Senator, who, at the passing of this Act, holds any office or employment in the service of the Crown, or any contract for which the public money of Canada is paid, from completing such contract or rendering him liable to the penalties imposed by this Act.

Hon. Mr. MILLER—Why is there such a reservation?

Hon. Mr. SCOTT—Because there may be some hon. gentleman who hold such relations with the Government, and it would be very unjust that any such Senator should be made liable to this penalty until he has sufficient time to complete his engagements.

Hon. Mr. ALLAN—While there are provisions in this Bill which I have no doubt will commend themselves to the approval of the members of this House, there is one objectionable feature in it which I feel bound, as a member of this Senate, to protest against most strongly; and in doing so, I am sure that I shall have the support of a large majority,—in fact I might fairly say that I ought to have the support of all the members of this House. I allude to the attempt made by this Bill to curtail the rights and privileges of the Senate, and to alter the constitution of this House, as it at present exists under the British North America Act. I do not mean to deny the abstract right of the House of Commons to initiate any measure with respect to this House, if they think fit to do so. But I think it is, to say the least of it, not a very courteous proceeding, and not in keeping

*Hon. Mr. Scott.*

with the good feeling which ought to exist between the two branches of the Legislature, that clauses affecting so seriously the rights and privileges of this House should have been first introduced into the Bill in the House of Commons and passed there, instead of leaving them to be proposed by the Government here, and then inserted in the Bill, if after due consideration they met with the approval of members of this House. There might have been some excuse for not taking this course, if the Government were not represented in this Chamber, but I should certainly have supposed that if it had been deemed necessary or desirable to make any changes, or introduce any measure affecting the members of this House, that the honorable the Secretary of State, or the Minister of Agriculture, might surely have been charged with the duty of laying such measures before us, and inviting our consideration of them, instead of presenting us a foregone conclusion already arrived at, to which we are simply expected to give our assent. Of course I am quite aware that the Government do not entertain any very friendly feelings towards this House! The Premier, at all events, is reputed as having said in another place, that he has no confidence in the Senate as at present constituted! And the hon. Secretary of State expressed himself in no very complimentary terms towards the majority of this House the other evening, and we have therefore, perhaps, no great reason to expect more courteous treatment from the Government. I proceed now to notice the clause of the Bill which more particularly affects the members of this House—the 10th clause—which declares that no person being a member of the Senate shall be capable of holding any office, or commission, or employment, other than the offices mentioned in sub-section two and the office of Speaker—or shall be a party to, or concerned in, any contract or agreement with the Government, which by this Act would render any person incapable of being elected to or holding a seat in the House of Commons. So, bringing the members of the Senate under the disqualifications in sub-section (a), and rendering them incapable of holding any office, commission, or employment, temporary or permanent, in the service of the Government of Canada, or at the

nomination of the Crown, to which any salary, emolument or profit of any kind is attached. However desirable it may be to exclude members of the House of Commons from such offices, there can be no reason whatever, under the very different tenure by which hon. gentlemen hold their seats in this House, that any such disqualification should be made to apply to members of the Senate. I have heard no good reasons advanced by the hon. Secretary of State—no grounds whatever, alleged upon which the change sought to be introduced by the Bill, can properly be urged. We, in this House, are not in any way dependent on the fate of the Ministry of the day; we are not, therefore, influenced by considerations which would naturally have weight with those whose seats are dependent, more or less, upon the rise or fall of one or other of the political parties into which the country may be divided. Nor are we a partisan body—we neither make nor unmake Governments, and we are not, therefore, likely to be swayed by those influences which the members of an elective body, such as the House of Commons, would be more or less open to, if nominated by the Government of the day to any office within their gift. I think, therefore, that the disqualifications sought to be placed on the members of this House, by the tenth clause of this Act, is uncalled for on any sound constitutional grounds, and, further, would be exceedingly unwise, as tending to exclude a large class of gentlemen who, by their previous training and experience in public affairs, would be peculiarly fitted for seats in this House, from accepting seats in the Senate, if they were to be thereby shut out from filling any of the appointments mentioned in this Act, and might also operate most injuriously against the public interests in preventing hon. members of this House from discharging duties for which they may be specially qualified; but the acceptance of which, if this Act were to become law, would entail upon them a forfeiture of their seats.

Hon. Mr. SCOTT—They would not forfeit their seat.

Hon. Mr. ALLAN—The tenth clause says that no members of the Senate shall be capable of holding any of these offices

Hon. Mr. Allan.

or employments, and imposes a penalty if they do, which practically amounts to a forfeiture of their seats. Now, let us suppose, that this Bill had come up, and was in the shape in which it was first introduced in the other House, with officers or appointments under the Provincial Governments included in the disqualifications. My hon. friend the hon. gentleman from Saugeen, would have been disqualified for filling the important post, for which no public man in Ontario was better fitted, as one of the Provincial Arbitrators, and although that clause has been struck out, yet instances are just as likely to arise in the case of Dominion appointments, where the restrictions in the Bill, as it now stands, may prevent the Government from obtaining the service of the best man for a particular duty. Take for instance as an illustration, the case of Sir Alexander Galt, whom we all know discharged with such great ability and credit to himself, and advantage to the Dominion, the duties of one of the members of the Halifax Fisheries Commission. If he had occupied a seat in this House and this Act had been in force, he would have been disqualified from accepting any such appointment, and the country would have lost the advantage of his great abilities in a most delicate and important negotiation. I think there can be little doubt therefore hon. gentlemen, that one effect of this Bill would be to limit in a way very injurious to the public interest, the choice of gentlemen who may be specially qualified to discharge important public duties, of various kinds, and for that reason among others it ought not to become law in its present shape.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. ALLAN—But now, hon. gentlemen, so far as the constitutional changes sought to be made by this Bill are concerned, let us see if there is any authority for them in Imperial legislation or practice. We occupy in the Senate to a certain extent, an analogous position to the House of Lords, holding, as we do, our seats for life. Are members of the House of Lords prohibited from holding an office or appointment under the Crown to which any emolument is attached? If this were the case we should not have been able to congratulate ourselves on having had among us for the last five years, one of

the most accomplished members of that House, and one of the ablest and most constitutional Governors that have ever represented Her Majesty in this country, as Governor-General.

Hon. Gentlemen—Hear, hear.

Hon. Mr. ALLAN—Then, again, I may quote other examples, such as another member of the House of Lords filling the post of Governor-General of India, and another member of the same House being Viceroy of Ireland. Again, I might quote the case of Lord Monck, a late Governor-General of Canada, and a member of the House of Lords, who is now paid Chief Commissioner of the Irish Church Temporalities. There is Lord Hampton, formerly Sir John Packington, First Civil Service Commissioner; Lord Chichester, Commissioner of Church Estates in England; Lord Tenterden, paid Under-Secretary of State for Foreign Affairs. I might quote many more cases, but I think I have said quite enough to show that there is no constitutional precedent for restricting Senators from accepting offices or public appointments under the Crown. Neither are there any good grounds as regards either the usefulness or independence for making such a restriction, while there are many strong reasons in the public interest against it. I will now refer to sub-section B, in the first clause of the Bill, which provides "that no person entitled "to any superannuation or retiring allowance from the Government of Canada "shall be eligible as a member of the House "of Commons." I consider this a most unwise and objectionable enactment, inasmuch as it limits the choice of the people in their representatives, and excludes from that choice a class of men whose previous training and acquaintance with all matters connected with the various Departments of the Public Service, render them peculiarly fitted to discharge intelligently the duties of a member of Parliament of the country. I will take, for example, the case of such a man as the present Auditor-General, Mr. Langton. Suppose Mr. Langton to have retired from the Public Service on a superannuation allowance, and having time and leisure at his disposal to be desirous of entering Parliament, could we have a more valuable man in either branch of the Legislature? I may say

*Hon. Mr. Allan.*

of the members of the Civil Service, generally, that in their ranks there may be found men whom we could all readily name, whose presence here, if they were inclined to enter Parliamentary life, after their superannuation, we would most gladly welcome, and I do not see why the people should be restricted from choosing such men to represent them in the House of Commons. To say that their independence is likely to be affected because they are in receipt of pensions from the Government seems to me utterly absurd. They become entitled to their pensions as a matter of right under the Superannuation Act. It lays them under no obligations to the Government of the day, who cannot take their pensions away from them.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—They may be liable to be recalled to the Public Service.

Hon. Mr. ALLAN—Yes, if they are under a certain age, but it is a very remote and improbable contingency, and so unlikely to occur that it is hardly worth taking into consideration. Now, this clause is also entirely contrary to the whole spirit of British practice. No such disabilities are imposed upon the members of the Civil Service in England; on the contrary, the Imperial Act 32 and 33 Victoria, cap. 15, expressly enacts "that pensions granted for Civil Services "shall not disqualify the holder from being elected, or sitting, or voting as a "member of the House of Commons," and if it is not considered a disqualification in England, where they are quite as jealous of the independence of Parliament as we are, I do not see why it should be considered so here. I give notice, therefore, of my intention, when the Bill goes into Committee of the Whole, to move to strike out the whole of sub-section B, in clause 1, and to move to strike out of clause 10 all that part which declares the members of the Senate to be disqualified from holding any office or employment, retaining only that part which prevents Senators from being parties to contracts with the Government. It has also been suggested to me that in Section C, Clause 1, there can be no reason for including Clerks of the Peace. I shall include it, therefore, in my notice, but

leave it to be dealt with by the hon. gentleman who has made the suggestion.

Hon. Mr. SCOTT—They are the nominees of the Local Government.

Hon. Mr. MILLER—The Government has no control over them.

Hon. Mr. POWER—In Nova Scotia the Clerk of the Peace has control of the electoral list.

Hon. Mr. MILLER—It is stated that it has been put in that clause to exclude from Parliament one individual, the late member for King's.

Hon. Mr. ALLAN gave notice of his proposed amendment.

Hon. Mr. BUREAU—I have great doubt as to the independence of Parliament, if you permit any hon. member to sit in the House of Commons who is in receipt of a superannuation allowance from the Government. I believe it is not possible for Parliament to declare, by any Act, that the pensions or superannuation allowances of such gentlemen shall not be affected by future legislation. If it were, then I could see how such gentlemen could sit and vote as members of the House of Commons, without a breach of the Independence of Parliament Act; but if, as I believe, an amendment could at any time be proposed, by the Government, to the Act by which such gentlemen's salaries are fixed, so as to take them away, how could they be independent? I quite agree with the hon. gentleman who has just addressed the House, that the House of Commons has interfered with our rights and privileges, contrary to the letter and spirit of the Constitution.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BUREAU—If, for instance, any question arises respecting the qualification of a Senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate. There is the qualification to sit and vote; the qualification of property, and the qualification of residence, all within the purview of this House, and I think it is contrary to the spirit of the constitution that these matters should be interfered with by the House of Commons. I agree with the hon. gentleman opposite, we must at all times be ready to protect ourselves, and that any Bill of this kind ought to originate in the Senate.

Hon. Mr. Allan.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BUREAU—I remember once I was indiscreet enough to interfere with a Bill affecting the Province of Quebec. I had a great deal of experience with respect to elector's lists, and I thought some change might be made in it for the better. I was met, however, with the argument that I ought not to interfere in a matter that affected the rights and privileges of the House of Commons. I think so to-day; the Senate was right, and I was wrong on that point, and I have not changed my views since the lesson I received from my colleagues in the Senate on that occasion. I think this Bill is contrary to the spirit of the British North America Act. The hon. gentleman has cited precedents in the House of Lords, but our position here is quite different. We have a written Constitution, and we ought not to go contrary to any of its provisions. The written Constitution must be interpreted as the law. If we see there is anything wrong or contrary to common sense in that law, we go to work the proper way to amend it. If the members of the House of Commons think they have not sufficient power to control or to impose their wishes on this Senate, they can proceed in the ordinary way to ask by an address of both Houses to amend the Constitution in the direction they consider necessary. I wish it to be understood that I shall certainly sustain the hon. gentleman in setting aside the clause which relates to this Senate.

Hon. Mr. PENNY—While I agree with what has been said by my hon. friend, with regard to that particular clause relating to the Senate, I think he has made a mistake in contending that gentlemen drawing pensions or superannuation allowances from the Government should be exempted from the prohibition which is placed upon others. I think the case which he has put might at first sight strike hon. gentlemen as being appropriate, but we might suppose another case which shows how important it is that this prohibition should exist. For instance, we could imagine a Ministry who might desire to have a member of the Civil Service—or, say, a judge—take a seat in Parliament, and who, in order to do that,

might superannuate the judge for the express purpose of enabling him to become a candidate. I think that would be a most unfortunate circumstance.

Hon. Mr. CAMPBELL—Mr. Mowat came down from the Bench without any arrangement.

Hon. Mr. PENNY—It was precisely because he came down without any pecuniary arrangement that it was proper to permit him to do so. If the Government had said, "We will give you a pension if you come down," it would have been a very unseemly affair indeed. As a general rule, I do not think it is a desirable thing for a judge to descend from the Bench and enter the political arena. But there is certainly less objection to his doing so when he takes his chances like other men. If the Government say, "We will give you a pension if you come down," it makes his conduct a different thing.

Hon. Mr. CAMPBELL—A judge is not entitled to a pension until after he has served fifteen years, and in that case he would be entitled to a pension by law.

Hon. Mr. PENNY—I think there must be preliminary arrangements before a judge retires, and that he does not get his pension *de pleno* unless he is sick or disabled, and after fifteen years' service.

Hon. Mr. ALLAN—I think such cases as the hon. gentleman suggests are likely to be very rare.

Hon. Mr. PENNY—If it is likely to be a very rare class of cases, the clause against which my hon. friend protests is not likely to operate injuriously in many cases; and I think, when it was likely to operate at all, it would operate in a practical manner, for a most important purpose.

Hon. Mr. ALLAN—Supposing a judge did take his seat here, he would be in a totally different position from what he would be in if he occupied a seat in the House of Commons, as he would not be bound to support the Ministry of the day, because his tenure of salary would not depend upon the Government.

Hon. Mr. PENNY—I think if any change is to be made respecting the Senate, it is not unreasonable to expect

*Hon. Mr. Penny.*

that it shall originate in this House. But, on the same principle, we should not interfere with anything that affects the privileges of the Commons.

Hon. Mr. MILLER—They have not always shown us that courtesy.

Hon. Mr. SCOTT—Upon reflection, I am free to confess that it is not in accordance with the popular feeling that the changes proposed should have been introduced without first having submitted them to this House. I am sure, however, that hon. gentlemen will not consider that any slight was intended to the Senate by the Government. I think, perhaps, my hon. friend (Mr. Allan) is right in taking the ground that it would only have been a continuance of the proper etiquette that should be maintained between the two Houses, if the Senate had been consulted upon the changes before they were passed upon in the Commons.

The Bill was then read the second time.

## PACIFIC RAILWAY ACT AMENDMENT BILL.

### THE ORDER POSTPONED.

On the Order of the Day being called, "Consideration of the Report of the Committee of the Whole on Bill (52) Canadian Pacific Railway Act Amendment Bill.

Hon. Mr. PELLETIER asked, that the order be discharged, and that the consideration of the report be postponed until to-morrow, as he had promised an hon. Senator that he would do so.

Hon. Mr. MILLER said the hon. gentleman had no right to do so without the knowledge and consent of the House.

Hon. Mr. SCOTT said the truth was, that the Minister of Agriculture had been asked to postpone the consideration of the report of the Committee by a very vigorous opponent of the Bill.

Hon. Mr. CAMPBELL said he was not surprised at the hon. gentleman from Arichat taking exception to the course pursued by the Minister of Agriculture, because it was exceptional, that a second expression of the opinion of the House should be taken on the Bill in this manner. The hon. gentleman was not

content with one expression of opinion, but insisted upon having another. It was evident that the object in postponing the vote at present was, that some different conclusion might be arrived at, than the decision which had been given by the Committee. Unless the Government were prepared to give some valid reason for postponing the Bill, the vote should be taken.

Hon. Mr. GIRARD said he had asked the Minister of Agriculture as a favor, to postpone for some days the consideration of the report, as he was particularly interested in the Bill, and expected that it would be possible, the Government might, in a short time, arrive at some understanding with reference to the terms of the leasing of the road. He hoped the further consideration of the Bill would be postponed until Wednesday.

Hon. Mr. WILMOT said there was a very great constitutional principle involved in this Bill. It had been thoroughly discussed, and it was a question whether this House would assert its constitutional right or not, and he thought they were fully prepared to vote upon it. He did not think it should be delayed to suit the convenience of any hon. gentleman at this late period of the Session.

Hon. Mr. KAULBACH said the amendment of the hon. gentleman from Arichat had been adopted in committee. It had not been sprung upon the House, but due notice had been given of it at the proper time, and the vote was a full expression of the opinion of the House.

Hon. Mr. SCOTT said there was this advantage in postponing the Bill: the Government might be in a position in a few days to inform the House what terms they could make respecting the leasing of the road, and it would relieve Parliament of any doubt as to whether they should pass the Bill or not. He was not in a position to state to the House that the Government were in possession of all the details of the running arrangements or lease.

Hon. Mr. CAMPBELL—Why not go on now.

Hon. Mr. SCOTT—There are reasons why the Bill should not be gone on with at present.

*Hon. Mr. Campbell.*

Hon. Mr. TRUDEL said it was a matter of courtesy that the further consideration of the Bill should be postponed, when it was so urgently requested by the Government.

Hon. Mr. ALLAN said if the Government could give the House any good reason why the Bill should be postponed until to-morrow, he thought hon. gentlemen would be prepared to listen to their suggestion.

Hon. Mr. SCOTT said the longer it was delayed, the more probability there was of obtaining information respecting the arrangements for the lease.

Hon. Mr. ALLAN said at this late period of the Session, it seemed to him that the only possible object which the Government had in postponing this matter, was the hope that something might take place that would reverse the vote that had been taken in committee, before the Bill passed the third reading.

Hon. Mr. BOTSFORD said it would be only courtesy to the Minister of Agriculture to postpone the Bill until to-morrow as was suggested.

Hon. Mr. CAMPBELL said the time had already been twice extended, and he objected to further delay.

Hon. Mr. PELLETIER regretted that hon. gentlemen opposite insisted to-day on what they had never insisted on before. It was the first time that a member had been asked to explain why he demanded a postponement of a Bill in this House. It had been delayed before at the request of an hon. gentleman opposite. He therefore moved that the order be discharged, and that the consideration of the report be postponed until to-morrow.

Hon. Mr. MILLER said it sometimes happened that a Bill was so amended as to become a very different measure to what it was when introduced, and it was not an unusual thing then for another member to take charge of such a Bill and carry it through.

Hon. Mr. SCOTT said not a Government measure.

Hon. Mr. MILLER — Yes; even Government bills. For instance, if the Government dropped it at the present time, it would be perfectly competent for any

member of this House to take it up and carry it through.

Hon. Mr. SCOTT said it would not receive the Government's assent; so there would be no use in doing so.

Hon. Mr. MILLER considered the expression that had been given by the Committee represented the views of this House, and the only object of the hon. gentlemen opposite in obtaining a postponement of the Bill was, that they hoped, by some means which he could not understand, to change the majority in favour of his (Mr. Miller's) amendment to a majority in favour of the Bill. How this was to be brought about he did not know. Whether by hon. gentlemen leaving for their homes or by what means they expected to change that vote he could not understand, but he could see no reason why the hon. gentleman who had charge of the Bill should not be compelled to go on with it.

Hon. Mr. PELLETIER said the hon. gentleman had a perfect right to insist upon it, but he would ask the House to postpone concurrence until to-morrow.

Hon. Mr. MACFARLANE considered it would not be courtesy for hon. gentlemen to press this order.

Hon. Mr. MILLER said he was urged by the party to bring this motion to-day, and not to give way, and he was surprised to find hon. gentlemen taking a different course.

Hon. Mr. MACFARLANE denied that he had been consulted in the matter at all, and he was only acting as an independent member.

Hon. Mr. MONTGOMERY said he did not think the Senate should carry those measures with a strong hand, and if the Government had reasons for desiring a postponement, the House ought to give way.

Hon. Mr. DIXON objected to concurrence being postponed after such a decided vote had been taken in Committee.

Hon. Mr. MILLER explained that he had been asked by hon. gentlemen who opposed this Bill to take charge of the amendment which he had moved in Committee, and to insist upon the division being taken to-day. When he saw hon.

*Hon. Mr. Miller.*

gentlemen whom he had expected to support him, yield to the request of the Government, he had expressed himself perhaps rather warmly, as he felt he had not been fairly treated in this matter.

Hon. Mr. BOTSFORD moved the adjournment of the House.

The motion was agreed to, and the House adjourned at 6 p.m.

## THE SENATE.

*Tuesday, April 30th.*

The SPEAKER took the chair at three o'clock p.m.

After Routine proceedings.

## THE REVENUE OF THE DOMINION.

### MOTIONS FOR RETURNS.

Hon. Mr. DEVER moved

"That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House a Return of all duties of Excise for this Dominion for the months of July, August, September, October, November, December, 1877, and the months of January, February and March of 1878."

"Also for a Return of all duties for stamps for this Dominion for the months of July, August, September, October, November, December, 1877, and the months January, February and March of 1878."

"Also for a Return of all duties of Customs for this Dominion for the months of July, August, September, October, November, December, 1877, and the months of January, February and March of 1878."

"Also for a Return of all duties of Customs for the Dominion for the months of July, August, September, October, November, December, 1876, and the months of January, February and March of 1877."

"Also for a Return of all duties for Stamps for this Dominion for the months of July, August, September, October, November, December, 1876, and the months of January, February and March of 1877."

"Also for a Return of all duties of Excise for this Dominion for the months of July, August, September, October, November, December,

1876, and the months of January, February and March of 1877."

"Also for a Return of all duties of Excise for the City of St. John, New Brunswick, for the months of July, August, September, October, November, December, 1877, and the months of January, February and March of 1878."

"Also for a Return of all duties of Customs for the City of St. John, New Brunswick, for the months of July, August, September, October, November, December, 1877, and the months of January, February and March of 1878."

"Also for a Return of all duties of Customs for the City of St. John, New Brunswick, for the months of July, August, September, October, November, December, 1876, and the months of January, February and March of 1877."

"Also for a Return of all duties of Excise for the City of St. John, New Brunswick, for the months of July, August, September, October, November, December, 1876, and the months of January, February and March of 1877."

He said: The motions before you are quite numerous, and, if left to my own option, I would have condensed them to three. The object is to get official returns to sustain some remarks I made in this House a few days ago. At that time I got returns which were not official, and, after some exchange of opinion with friends of mine, it was suggested that I should make the motions which stand in my name today, so as the official, may correspond in number, with the non-official. My principal object is to ascertain the exact amounts received for Customs and Excise duties, especially at the port of St. John, in consequence of the great fire there. My next object is to point out, officially, how much the Customs and Excise are for the nine months ending the 31st March last. According to the best calculation I can make, the Customs and Excise for the first nine months of the fiscal year, 1876-7, were \$13,291, 998; and for the first nine months of the current fiscal year, \$ 3,478, 441; leaving a surplus only of \$186,543, for the nine months of the current fiscal year, ending 31st March, 1878. But, \$282,189 were collected in New Brunswick, in consequence of the great fire in St. John; and, deducting this from the revenue from Customs and Excise, I find the amount collected during the first nine

Hon. Mr. Dever.

months of the current year, was \$95,646 less than the corresponding period of the preceding year. I admit that there is an increase in the first nine months of the current fiscal year, of revenue from Public Works, but I maintain that there is a decrease in the revenue from Customs and Excise, and that is the correct means of ascertaining whether the business of the country is improving or not. I find that statements have been made, by telegrams to the ministerial press throughout the Dominion, to the effect that there is a great increase in the revenue, thus far. In a paper published in my own Province, the following is set forth:—

"The revenue of the Dominion for the nine months of the fiscal year, ending on the 31st March, 1878, was \$16,505,988.40, and for the corresponding period of last year, \$15,774,158.40, showing an increase this year, of \$731,829.88. This is a very decided improvement, and there is a great prospect that it will continue, and that we may count upon a handsome surplus at the end of the year, especially as there has been no unusual payments, in anticipation of a change in the tariff."

It is quite evident, from this declaration, that the parties whose object it is to represent an increase in the revenue, from Customs and Excise, have been spreading incorrect reports, and, I hold such a course is mischievous, and calculated to mislead this country in the face of coming elections.

Hon. Mr. SCOTT — I presume my hon. friend has got all the information he requires. Many of the returns he moves for have been published from time to time in the *Canada Gazette*, and if he is desirous of obtaining them he can find them there. The others he will find in the reports of the Inland Revenue Department.

Hon. Mr. MACPHERSON — I suppose what the hon. gentleman wants is an authentic return.

Hon. Mr. DEVER—That is exactly what I want.

Hon. Mr. SCOTT—Is not the information in the *Canada Gazette* authentic?

Hon. Mr. WILMOT -- The monthly statements published in the *Canada Gazette* do not always correspond with the Blue Books.

Hon. Mr. McLELAN—As I understand the hon. gentleman, his opinion is,

that injustice has been done to the City of St. John, and he wants an official statement to show that large amounts of revenue have been collected at that city, in consequence of the calamitous fire there, and he wants the returns to be put in such a shape that justice will be done to New Brunswick, and the City of St. John in particular.

The motions were agreed to.

## BILLS FROM THE HOUSE OF COMMONS.

### FIRST READINGS.

The following Bills from the House of Commons were read for the first time:—

Bill (20) "An Act to amend the Act respecting the Elections of Members of the House of Commons."

Bill (55) "An Act to amend the law respecting Building Societies."

## PACIFIC RAILWAY ACT AMENDMENT BILL.

### RE-CONSIDERATION OF REPORT OF COMMITTEE OF THE WHOLE.

The Orders of the Day having been called,

Hon. Mr. PELLETIER called attention to the fact that, by an accident yesterday, the House had adjourned without disposing of the Canadian Pacific Railway Act Amendment Bill, and, as a consequence, it was dropped from the Orders of the Day. To save time and trouble he had, after consultation with the leader of the Opposition, placed it on the paper, and as nobody desired that it should be dropped, he supposed the House would unanimously consent to allow it to be called as the first order of the day.

After a brief discussion the suggestion was adopted.

Hon. Mr. PELLETIER—As the House has kindly consented that the order be called now, I wish briefly to state that when I gave notice to reconsider the vote in Committee, it was with no feeling of disrespect for the committee, but because I was informed that some hon. gentlemen who had supported the

*Hon. Mr. McLelan.*

amendment, were prepared to reconsider their votes.

Hon. Mr. CAMPBELL—I desire to say a word or to in answer to a part of the speech made by the hon. Secretary of State an evening or two ago, not that I wish to answer the whole of it, because it was principally in reply to the remarks of my hon. friend from Belleville in another debate on the policy adopted by the Government in the construction of the Pacific Railway. I shall confine my remarks to that portion of the speech of the hon. Secretary of State, which referred to the rights of this House to ask that the lease, which it is proposed to execute, should be placed on the table of this House, and before becoming operative, should receive the sanction of this House. The hon. Secretary of State took the ground that that was a departure from the usage of Parliament and, he thought, in excess of the rights of this House, and an infringement on those privileges which pertain exclusively to the House of Commons. I do not think the hon. gentleman is correct in that position, and I should be very sorry, if he were correct, to unite with my friends on this side of the House in advocating the amendment which is now under consideration. A great responsibility rests upon us in this as in all matters affecting the rights of the Senate. It is as much our duty, on this side of the House, as it is the duty of the Government, to see as far as we can that the Senate does not exceed its constitutional rights; to take care that we do not, by this amendment, ask for anything in excess of those rights, and that we do not infringe upon the peculiar attributes of the other branch of the Legislature. In the first place, I do not think it can possibly be contended, certainly not successfully contended, that this lease is of the character of those contracts which are required to be laid on the table of the House of Commons only. Those contracts involve the expenditure of money. They are contracts which are made in pursuance of votes of money, and the system has had its origin in appropriations being made from time to time for the beginning or the continuation of great works, but with the apprehension on the part of the Commons that the then vote might not be sufficient to complete the

work undertaken, and in order to keep control of the money voted, they require that contracts involving its expenditure be laid on the table of the House of Commons. Contracts relative to the transport of mails, expenditures on Public Works, etc., are constantly laid on the table of the House of Commons in England. But my hon. friend from Arichat made his amendment on the basis that this was not a contract involving the expenditure of money; but was an arrangement involving a question of policy in which this House was as deeply interested as the other branch of the Legislature, and it was just as much the right of the Senate to have it before them for their consideration as it was the duty of the House of Commons. This lease cannot be called a contract in the ordinary sense of the term, because a contract generally involves the execution of work and the expenditure of money. This is a lease of a railway, not involving the expenditure of money. I find in England, in one case mentioned by the hon. Secretary of State, involving the expenditure of a considerable sum of money, but which might also be considered as involving a question of policy—a contract for the construction of large works of defence—was required to be laid on the tables of both Houses of Parliament. But I find in England there are all sorts of matters laid on the table of the Upper House, in which they interfere, growing out of the character of legislation somewhat new, and which has had its origin in the disposition to get rid, as far as possible, of details and throw them on some other tribunal to have them settled, with a proviso they should be laid on the table of both Houses of Parliament. There is a very remarkable case in reference to a large charity in London which was held by the commissioners to come within the general statute for the proper management of such charities, and which enacted that Orders-in-Council might be made with reference to the administration of such charities, which should have the force of law, and should govern the mode in which the funds of the hospital should be administered. These Orders-in-Council were to be laid on the tables of both Houses. It turned out, in the opinion of the House of Lords, in one case, that the commissioners had administered the fund in a way which

*Hon. Mr. Campbell.*

Parliament had not intended, the distribution of the funds of the hospital were being legislated upon, so to speak, by Order-in-Council in a way beyond that which the Act contemplated. The House of Lords, without the least hesitation, after a debate in which the point now urged was taken by Earl Ripon insisted by a considerable majority on the passage of an address to the Crown, praying that the Order-in-Council might not take effect. That address was presented, and Her Majesty very graciously replied that she would withhold her assent until the matter was again submitted to Parliament.

Hon. Mr. SCOTT—The Order-in-Council had not been previously ratified by the House of Lords.

Hon. Mr. CAMPBELL—It had been laid on the table in each House of Parliament two or three years before. In the case before us there is a very serious question of policy. I put it aside altogether as a question of ordinary contract, it is of much greater importance. Here is a question concerning the railway which is to be the outlet of one great part of the Dominion, and the outlet, not through our own territory, but into a foreign country, and the question arises whether it is not desirable, if that road is to be leased, whether this House should not see and pronounce upon that lease. Are we not as much interested in every provision of that lease as the House of Commons? Will it not be our duty to see, as far as possible, that the great trade which is going to spring up in the North-West shall be directed into our own channels? I cannot undertake to say how far we may be able to control that trade by seeing the lease or criticizing its terms, but it is our duty to reserve to ourselves the right to examine that question. It is so much a matter of public policy that the Bill ought to have embodied the lease, and we could then have expressed an opinion upon it. It is not asking the House, with the proper facts before it, to deal with an important matter of this kind, but you simply ask the House to vote away its powers to pronounce upon the lease. The Government should either have taken upon themselves the responsibility of making this lease, or, if they wanted to

adopt the more modern method, they should lay it on the tables of both Houses, but, in one way or the other, they should have acted thoroughly. Now, it seems to me very like a case of this kind: supposing the Caughnawaga Canal, which had been talked of in Canada for a great many years, had been constructed some years ago, and there was a question of the Government leasing it, would not that be an instance where we should know all the terms of the lease? That canal would be the great means of communication between the St. Lawrence and the Hudson. Can anyone say that this House should have no means of pronouncing upon that lease? I do not think any fault can reasonably be found with the House for asking that the lease, in its integrity, should be laid on the table of this House, and that we should be in the same position to form an opinion upon it as the other House. I am told, if we insist upon this amendment—and I say it is right that we should—the Government will withdraw the Bill, and that will have the effect of stopping the railways for one or two years to come. I do not believe that; on the contrary, I believe the railways will go on whether this Bill is passed, or the railway on our side of the border is leased or not. The contract for construction on our side, I believe, has already been given out. At all events, tenders have been received by the Department for the construction of the road, and I daresay the contract has been awarded before now. There is nothing to be done there but to lay the ties and rails. The sixty miles between Pembina and Fort Garry can be laid at the rate of a mile a day without difficulty. The completion of the line on the southern side of the border depends upon the action of a Company whose headquarters are in Canada, and who have acquired a large interest in it by the purchase of its bonds. I should regret if the Government were to say, "We will not have this Bill with the amendment." I think they would be doing what was very wrong if they should take such a stand; but if they should, then the railway will have to be kept in their own hands and worked by themselves, and I do not think that would be very much to be regretted. I should not be at all surprised to find that course would most conduce to the inter-

*Hon. Mr. Campbell.*

ests of the country, because, in a year or two, other roads would touch the border, roads connecting more directly with our own system, as, for instance, the Northern Pacific Railway, which runs to Duluth, and would bring all the produce of the North-West to that city, to come down Lake Superior and the chain of great lakes to Montreal and Quebec, increasing the trade of our own waters. I think, if we can so work the road as to throw that business into the hands of the Northern Pacific Railway Company, and bring it, by way of Duluth, down the great lakes, we shall be doing that which is most in the interests of the Dominion. There was also another reason which made members on this side of the House very anxious about this Bill, and very jealous of voting away their right to have the lease placed upon the table in this Chamber—the Government had another project of a series of railways in the North-West, railways which were to be constructed by fifteen or twenty-five people, or as many as the Order-in-Council might sanction. If that Bill should be passed—and it having been proposed by a member of the Government in the other House we, in this House, have every reason to believe it will pass the Commons—and the Government were empowered to make this lease at their pleasure, the effect might be to establish a whole system of railways in the North-West, all tending to carry trade away from our own country into Minnesota, in augmentation of the prosperity of the United States rather than of Canada. That was calculated to make this House feel the importance of keeping as far as possible some hold on the lease of this road. All those lines would have the effect of carrying trade away from our own Pacific Railway.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL — Nothing would have been easier than to have projected a road from any point on this railway, which is spoken of as being likely to be completed from St. Paul to Pembina, towards Swan River, and that would have tapped the best part of Manitoba and, by means of lateral roads running to the main line, taken the whole trade of the fertile country in the North-West to the

United States. This is, therefore, a grave question of policy which may affect the future of that country, and the prosperity of our own great waters and the interests attached to them all the way down to the Gulf of St. Lawrence, for years to come. It is with reference to those interests this House desires to preserve, as far as it can, the right of seeing that this lease is made, if possible, to bring the trade of the North-West to us rather than to the United States. These are grave questions which do not at all touch the matter of laying upon the table contracts involving the expenditure of money. This is one of those large national questions in which this House is as deeply interested as the other branch of the Legislature, and we are within the strict performance of our duty to endeavor to govern and control those interests and, if possible, so shape that trade as to bring it in its earlier years into that line and direction in which it is most likely to further the interests of this country; and if you give it that direction originally, that direction it will keep. On the contrary, if you allow it to get into another channel in the first instance, it is likely to continue there. I am confident the Secretary of State does this House great injustice in supposing it desires anything else than an opportunity of pronouncing on the lease. I undertake to say the Government will find no difficulty if they submit to us a lease which is calculated to preserve this great trade to Canada, and keep it in augmentation of the prosperity of our own country; they will find that hon. gentlemen on this side of the House will be ready to sanction such a lease when it comes to be laid on the table.

Hon. Mr. BOTSFORD—I intend to continue the observations I commenced the other day, but which I was prevented from finishing by the adjournment. This measure has assumed an importance which it would not possess had it not been for the extraordinary position taken by the members of the Government in this House, namely, that it is unconstitutional for the Senate to attempt to amend a Bill of this character. The Government has been sustained in this position by a large number of members who should be deeply interested in main-

taining the rights and privileges of the Senate, but who, it seems, are prepared to surrender what I consider are the powers and privileges of this House, as conferred on it by the usage of Parliament and by the Constitution of the land. This, therefore, has become a very important question, and one I do not feel inclined to give a silent vote upon. I am confident that the position taken by members on this side of the House is one that can be sustained not only by the Constitution of the land, but by the precedents and usages to which I shall refer presently. I do not think it can be gainsaid, if we are an independent branch of the Legislature, as it is assumed we are, that we have the power to amend every Bill which comes before us for our consideration, except money bills for the imposition of burdens on the people for the purpose of raising the revenue, or appropriation bills for the purpose of expending the revenue in the manner in which Parliament may determine. In all other Bills it is the inherent right of the Senate as an independent branch of the Legislature to amend Bills coming from the House of Commons. On general principles, I assume we have that right, but when we come to look at the written Constitution by which we are governed, it is confirmed in express terms, as will be seen by the eighteenth clause of the British North America Act, which reads as follows:—  
 “The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof, respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.” There is no distinction whatever between the powers, privileges and immunities which are possessed by the House of Commons and those enjoyed by the Senate, the only distinction whatever being in the section which declares, “Bills for appropriating any part of the public money, or imposing any tax or impost, shall originate in the House of Commons.” There is no other section

in the British North America Act which confers any powers upon the House of Commons which are not possessed by the Senate. There is another principle which comes up here, and which, no doubt, the framers of the Constitution took into consideration,—if the House of Commons had conferred upon it greater powers than this Senate, where would be the protection to the smaller Provinces in coming into the Union? It is provided that the country shall be represented in the House of Commons by population, and that, as a matter of course, gives a preponderating influence to the larger Provinces of the Dominion. If the Senate possess less powers than the House of Commons, and they have no right to examine and pronounce upon contracts or leases made by Government, which, in fact, dispose of the property of the Dominion, where would the protection for the smaller Provinces be? To prevent the influence which the overwhelming representation of the larger Provinces in the House of Commons would undoubtedly have over the Government of the day, and to protect the interests and rights of the smaller Provinces, it was wisely enacted that they should have a greater representation in the Senate in proportion to their population than they would be entitled to if the same principle prevailed in both Houses. This is a question also in which the measures of the Government themselves show that the policy of the Administration has been shaped by the preponderating influence of the House of Commons. I would like to ask what influences were brought to bear on the Government to induce it to construct the Georgian Bay Branch before the main Canada Pacific line was even located? If that question had been submitted to the people of the Lower Provinces, do you suppose that policy would ever have been approved—a policy to construct a line of railway not one mile of which would eventually be a portion of the main trunk road? Certainly not. I am sure it never would have been sanctioned by the Maritime Provinces. Again, look at the influences which the large representation from Ontario and Quebec in the House of Commons, would have on the expenditure of money in those Provinces. Look at the large amount of money that has been spent on the canals in Ontario. Is that to be put under the

*Hon. Mr. Botsford.*

control of the House of Commons alone without the Maritime Provinces having a check in some way? That check has been wisely provided in the Senate by giving the smaller Provinces a larger representation in proportion to their population, than Ontario or Quebec. Therefore, I take it, not only upon general principles of the inherent rights which we possess as an independent branch of the Legislature, but also by the express terms of the Constitution, this House has a right to amend bills of this character. The hon. Secretary of State in his speech the other day, cited May as an authority for assuming that the House of Commons exclusively had the right to have the contracts submitted to them before being executed, and I think the inference he drew from that authority was that a resolution of the House of Commons could override the Constitution of the land. I would like to ask, is there anything in our Constitution to prevent this House from passing a similar resolution? Can a resolution from the House of Commons take from the Senate the power given to it by our written Constitution? I take it that principle cannot be successfully contended, therefore, it is not a sufficient authority to justify the hon. Secretary of State in coming to the conclusion at which he arrived. There is another quotation in May, p. 561, which shows the principle on which this question is dealt with. It is as follows:—

“ Besides the mode of obtaining papers by way of address, both Houses of Parliament are constantly put in possession of documents by command of Her Majesty, and in compliance with acts of Parliament.”

There are acts of Parliament which require contracts to be submitted to the House of Lords as well as the House of Commons. I shall now refer to precedents in our own Dominion as evidence of the usage with respect to legislation of this kind. I think, before I conclude, it will be admitted by hon. gentlemen, that by that usage we undoubtedly possess the right to amend bills of this kind, and in the direction in which we have amended the measure now before the House. The first Act which I shall take up is one of the Imperial Parliament with respect to the Canadian Loan. (See Dominion Laws, 1867, p. 44, Sec. 4.) It contains this provision:

"There shall be laid before both Houses of Parliament, within fourteen days after the beginning of each Session, a statement and account, etc."

I take that to be a precedent, and it is from an Act passed by the Imperial Parliament.

Hon. Mr. SCOTT—I have no objection to laying the lease on the table. What I object to is requiring the approval of this House.

Hon. Mr. BOTSFORD—I shall now quote several Dominion Statutes in which provision is made that both Houses of Parliament shall receive the same information, even respecting contracts and the expenditure of the revenue :

1ST, DOMINION STATUTES 1867, PAGE 87.

"Collection of the revenue requires that a detailed statement of all such remissions as aforesaid shall be annually submitted to the several branches of the Parliament of Canada."

POSTAL SERVICE ACT 1867, PAGE 240.

Requires that "an annual account of all deposits received and paid under authority of act and expenses incurred, &c., &c., shall be laid before both Houses of Parliament, &c."

CONTINGENCIES OF PUBLIC SERVICE ACTS, 1868, VOL. 2, PAGE 53.

Requires that "an account of all moneys shall be laid before Parliament each year, &c."

SECRETARY OF STATE'S DEPARTMENT—VOL. 2, 1868, PAGE 100.

Enacts that "the Secretary of State shall annually lay before Parliament all transactions of the Department, &c., &c."

DEPARTMENT OF AGRICULTURE—VOL. 2, 1868, PAGE 148.

Requires the Minister of Agriculture to report his proceedings, &c., "to be laid before both Houses of Parliament."

HARBOR POLICE—VOL. 2, 1868, PAGE 200, SEC. 7.

"The Minister shall make an annual report and statement to the Governor-General of the receipts and expenditures under this Act, for the purpose of its being laid before Parliament, &c., &c."

CONTRACT OCEAN MAIL SERVICE—STATUTES 1869, PAGE 21.

Recites, "whereas, under the authority of an Order-in-Council, dated 18th March, 1869, a provisional contract has been entered into by and between Hugh Allan, Esq., of the first part, and the Postmaster-General of this Dominion, of the second part, for a weekly line of Ocean mail steamers, on certain terms, and

*Hon. Mr. Botsford.*

subject to certain conditions therein set forth; and whereas the said agreement is subject to a proviso that the same is to go into effect, if sanctioned and authorized by the Parliament of Canada, at the then next Session thereof, and not otherwise, &c., &c."

ACT RESPECTING OFFICE OF QUEEN'S PRINTER—STATUTES 1869, PAGE 28.

Enacts that "all Orders in-Council and expenditures of money under them, shall be laid before Parliament."

SUPERANNUATION BILL—STATUTES 1870, PAGE 30.

Enacts that "a statement of all allowances and gratuities granted under the Act, shall be laid before Parliament."

COLLECTION OF THE REVENUE—STATUTES 1870, PAGE 33.

Enacts that "a detailed statement of all remissions, refunds, tolls, or duties shall be submitted to the several branches of Parliament."

CENSUS ACT—STATUTES 1870, PAGE 74.

Requires "a full report of all things done under this Act, and an account of all moneys expended, shall be laid before Parliament."

ACT RESPECTING OCEAN MAIL SERVICE—STATUTES 1873, PAGES 101 AND 106.

Contract between Sir Hugh Allan, preamble recites, "whereas the said agreement is subject to a proviso, that the same is to go into effect, if sanctioned and authorized by the Parliament of Canada, &c.," and in the enacting clauses makes the contract subject to the sanction of Parliament.

Then again, with respect to the Truro & Pictou Railway transfer, we find the same provision.

Hon. Mr. SCOTT—That was an absolute transfer of public property.

Hon. Mr. DICKEY—It is exactly a case in point.

Hon. Mr. BOTSFORD—Then, in the case of the Windsor Branch of the Windsor & Annapolis Railway, it will be observed the House of Commons passed a resolution in that case, and, to show the principle on which they dealt with it, they authorized the Government to enter into negotiations to make the transfer, and required that any agreement that should be entered into, should be submitted to both Houses of Parliament, for their sanction.

Hon. Mr. SCOTT—That also is an absolute giving away of public property.

Hon. Mr. BOTSFORD—What is the

difference in principle between giving away public property, and giving up the control of public property to a company? I can find nothing in the Constitution which would prevent this House from exercising the right of ratifying the lease of the Pembina Branch, if it should be made. The late Government taking, in my opinion, a wise view of the powers and privileges of the Senate, and having due regard for the Constitution of the land, were not satisfied with obtaining that resolution from the House of Commons, authorizing them to transfer the Windsor Railway, but my hon. friend from Kingston (Mr. Campbell) brought that resolution before the Senate, and had it adopted by the Senate, previous to entering into negotiations for the transfer. That is, in fact, the true constitutional mode of proceeding in those matters involving the disposal of public property, and the Government of that day deserve the thanks of this House for sustaining their rights and privileges. I think all the authorities I have quoted go to show what the usage of Parliament is, and to prove that the rights of both Houses of the Legislature are identical, and that the course taken by the Government in opposing the amendment to this Bill, is most unfortunate. I cannot help a feeling of surprise that the Government should have been supported by so many members in this House in their desire to deprive us of the rights and privileges which the Constitution has conferred upon this body.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BOTSFORD—I take the liberty to express that opinion, for I have no doubt whatever, when this question is fairly and deliberately considered by hon. gentlemen themselves, and when they have reflected upon the consequence which must flow from giving such power into the hands of the Government, hon. gentlemen opposite will see that by advocating such a principle, they are conceding exclusive powers to the House of Commons, and thereby surrendering the privileges of the Senate, which are conferred upon it by the Constitution. When the members from the Maritime Provinces come to reflect on the consequences of such a course, they cannot fail to see that it will eventually jeo-

*Hon. Mr. Botsford.*

paradise the harmonious working of the Confederation, if the popular branch can thus encroach upon the rights and privileges of the Senate. It would take away that protection from the smaller Provinces which, no doubt, the framers of the Constitution intended as a check upon the greater influence of the larger Provinces in the popular branch of the Legislature. If this doctrine which has been advocated by the Government and those who support them be sustained, will it not most unquestionably detract from the powers or influence which we possess, in the control which we ought to have over the affairs of this great Dominion? If a resolution of the House of Commons sanctioning the Government in disposing of public property of this Dominion, can be taken as legal and constitutional, without the assent of this House, I should like to ask, what then becomes of the usefulness of this independent branch of the Legislature? In my humble opinion, if that principle be carried to its legitimate conclusion, we will become the mere recording office of the House of Commons.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BOTSFORD—And therefore it is that I feel in discussing this question, it is one in which the importance and influence of the Senate are deeply involved. I look upon it as a question which ought to be most seriously considered by all. I believe we possess the power to amend bills of this character, and I believe it would be a dereliction of duty if we did not carry out the legitimate functions which the Constitution has given us. I shall refer to a precedent which has been quoted, in the Act for the construction of the Pacific Railway, which only provides that contracts should be submitted to the House of Commons, and that Bill was sanctioned by the Senate. I confess, that in so doing, the Senate were negligent in their duty to themselves and to the Constitution.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BOTSFORD—In my opinion, it was most unfortunate that the Senate did not, at that time, assert their right to amend the Bill in that direction.

But I account for it in this way: The new Government were just about commencing their career; they had not a majority in this House; there was a general impression abroad, from their previous professions, that they were possessed of political wisdom, statesmanship, and purity. I believe one reason why we passed that measure without amendment was, that the majority in this House had confidence in the integrity of the Government, and were disposed to give them every facility to carry out their policy. That is the only way in which I can account for the omission, on the part of this House, to amend that Act to provide that contracts should be submitted to this House for its ratification, as well as to the House of Commons. I do not admit that single precedent can be construed as sufficient to take away the rights we possess under the Constitution. It was certainly an unfortunate omission on the part of the Senate. For the reasons I have given, I am prepared to sustain the amendment which has been proposed to this measure. I think it is absolutely necessary for us to adhere to it, inasmuch as the right of the Senate has been questioned by the Ministers of the Crown and those gentlemen who support them, and, therefore, I think it would be fatal on our part if, under the circumstances, we yielded. If the hon. Secretary of State had opposed the amendment on the ground that it might interfere with a judicious contract being made—one which would be in the interests of the country—and not have contended that we had not the constitutional right to amend, his arguments would not have been so objectionable.

Hon. Mr. SCOTT—I did.

Hon. Mr. BOTSFORD—The hon. gentleman did, but he took the ground, also, that it was unconstitutional for us to amend the Act.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MILLER—Did the hon. gentleman take the ground that it was unconstitutional on the part of this House to amend this measure?

Hon. Mr. SCOTT—I took the ground that it was unusual, and I quoted the practice of the House of Lords to sustain that view.

*Hon. Mr. Botsford.*

Hon. Mr. BOTSFORD—I distinctly understood the hon. Secretary of State, when he commenced his argument, to quote May as an authority in saying that it was unconstitutional in this House to insert such an amendment in the Bill under consideration.

Hon. Mr. SCOTT—It was much the same. I said it had not been the practice in contracts of that kind.

Hon. Mr. BOTSFORD—I have quoted several authorities to show it is usual. There is one other point to which I wish to refer shortly. The hon. Secretary of State was not justified in making the insinuation that if this Bill were so amended, and if that contract or lease were to be submitted to the Senate, it would not receive fair and candid consideration at the hands of the majority of this branch of the Legislature—that they would not be influenced by the public good or by the advantages which Manitoba might derive from it. He distinctly charged that this House, in dealing with a question of that kind, while this Government was in power, would deal with it in a factious spirit.

Hon. Mr. SCOTT—I stated, judging by the past action of this House on the policy of the Government in connection with the Pacific Railway, I could only come to the conclusion that parties would have no confidence in dealing with the Government if that lease had to receive the sanction of this House.

Hon. Mr. BOTSFORD—That is a serious imputation on this House. I must condemn strongly such an imputation. I have not been influenced by such a spirit myself, and I do not believe that the majority of this side of the House would be actuated by such motives; and, therefore, I deprecate such a line of argument as has been pursued by the hon. Secretary of State.

Hon. Mr. MACPHERSON—I do not think there is any room for doubt as to the right of the Senate to deal with this question in the way in which they have dealt with it, and which, I hope, they will continue to deal with it; that is, to assert their right to a voice in a final settlement of the proposed lease of the Pembina Branch of the Canada Pacific Railway. I look upon the measure as involv-

ing an important question of public policy. It is of special importance to the Province of Manitoba, that the Senate should have a right to pass upon the lease. Her interests will be deeply affected by it, and her representatives in this House must have greater influence than her representatives can have in that much more numerous body, the House of Commons.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—I think the hon. Senators from Manitoba will admit that the interests of that Province have always received the most fair and liberal consideration from their colleagues on both sides of this House; and I think the interests of distant Provinces have never been and never will be made a party question in this Senate. If the Government enter into a lease which will be for the interests of the country at large, and especially of Manitoba, they will have nothing to fear from the Senate; their measure will be certain to receive the sanction of this House. In my opinion the Government committed a great error in suspending work when they did upon the Pembina Branch. The rails had been brought to the ground, and all that remained to be done was to have laid the track, when the Government suddenly changed its policy and suspended the work. I have always thought that was a very great error, an injustice to Manitoba, and an injury to the whole Dominion. It prevented the extension of the American railways to the frontier of Manitoba. It was not worth the while of the United States companies to build to the frontier to connect with a line of steamers, which is a close monopoly, and which, through the policy of the Government has been fastened upon Manitoba for several years. I daresay the work was done as well as could have been expected under the circumstances, but it nevertheless was a monopoly; and the effect of what the Government propose to do now, I fear, is to rivet that monopoly upon Manitoba, and upon all the interests affected by it, for the period of the lease.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. MACPHERSON—I should like to see the Government finish that

*Hon. Mr. Macpherson.*

road as quickly as it can be done, (I think they should have finished it long ago), and keep it in their own hands, inviting railway companies to extend their lines to the frontier, and offering liberal running arrangements over the Pembina Branch. There can be no question but that that policy would be the most beneficial to Manitoba, and to the whole Dominion. Competition is what is needed there. If, by leasing a road to a company, you give them a monopoly of the railway, as a steamboat company has now of the river, it will be most prejudicial to the best interests of the country.

Hon. Mr. DICKEY—Hear, hear.

Hon. Mr. MACPHERSON—I think the Pembina Branch should be retained by the Government as a means of inducing other companies, besides the one to which it is proposed to lease this road, to build up to our frontier. Whoever will look at the map of the country will see that the company to which it is proposed to lease the railway is the one to which it is least desirable to give a monopoly of the trade of the North-West.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. MACPHERSON—That company is the St. Paul and Pacific Railway Company. Its terminus is at St. Paul on the Mississippi. Its study will be to accomplish what will be for its own interest, to carry all the trade of our North-West to St. Paul. There is another company, a rival of the St. Paul and Pacific Railway, the Northern Pacific, which is in operation now from Duluth, on Lake Superior, to beyond the Red River. The St. Paul & Pacific Railway crosses that line on its way to Manitoba, so that at the present moment both lines occupy one and the same position relatively to Manitoba. Now, it would be much more to the interest of this country to have our trade—so long as it is necessary that our trade should pass through United States channels, which it must do until we have our own road open—go to Duluth than to St. Paul; because at Duluth the trade would reach Lake Superior, and would descend by the lakes, affording the St. Lawrence route as good a chance as any other route,—perhaps the best chance—of obtaining a

large share of that traffic. I think this is very important. It is the only way in which we can secure for years to come any portion of the trade, to obtain which we are spending many millions of dollars.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—But the portion of that trade which would reach the Mississippi at St. Paul would be diverted completely and hopelessly from the St. Lawrence, and from all Canadian channels and markets. This is not a matter of opinion; it is a matter of certainty, and it is unfortunate that the Government should place the trade of that new country in the position I have described if it can be in any way averted. It may be said that the trade of the North-West will not be sufficient to induce two companies to extend their lines to compete for it. That may or may not be true, but we know how apt railway companies are to compete with one another; and if one line is extended to an important point whence there is valuable trade, the other, its rival, is almost certain to follow it. If we retain the Pembina Branch in our own hands and the Government work it for the benefit of Manitoba and its trade, there will be a constant and standing inducement to the other railway company, the Northern Pacific, to come up and participate in that trade. If the lease be given it will no doubt contain stipulations declaring that other companies shall be entitled to make equitable running arrangements with the lessee. But we know what that means. We know the obstacles which a railway company can place in the way of its rival. Those obstacles will probably be insuperable, and the monopoly will be completely in the hands of the lessee. I do not see why a lease should be of such importance to the Company. All that it requires, all that its interests seem to demand, is to be assured of the completion of the Pembina Branch, and that the Government will make favorable running arrangements. It is in the power of the Government, without coming to Parliament at all, to give this assurance to the Company, and if they should require the assent of Parliament it is quite certain that the Legislature would very cheerfully ratify such an ar-

*Hon Mr. Macpherson.*

angement. That is all the St. Paul & Pacific Railway Company should ask; that is all that their interests require, and it is certainly all that Manitoba, all that Canada should grant to that company. If more be done in the interests of the Company it will be to the prejudice of Canada.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—An hon. Senator the other day spoke of the impossibility of endeavoring to retain the trade of the North-West in our own channels, and of the difficulty of changing the course of trade when it is once established. We have all had experience enough to know that the channels of trade become fixed and settled very quickly, and that they deepen very rapidly. I think it would be deplorable if the Government and the Parliament of this country should allow the great and promising trade of the North-West country to flow into American channels, under such circumstances as would render it exceedingly difficult, if not impossible, during the present generation, to divert it from those channels and direct it into our own. I do not think, hon. gentlemen, there is the slightest doubt of the St. Paul & Pacific Company completing their railway up to our frontier, whether a lease of the Pembina Branch be given to them or not. I do not think my hon. friends from Manitoba have anything to fear on that score. It is quite certain, from the arrangements that have already been made, and the interests of the parties concerned, whether a lease be given or not, that that road will be brought to our frontier at Pembina, assuming, of course, (and it may be assumed with perfect confidence) that the Pembina Branch will be finished, and open to that company to run their trains over. That is all that is necessary to facilitate the extension of the St. Paul & Pacific Railway, and to obtain all the facilities for communication which Manitoba can have in that direction, with the advantage that if this is done, they will not be exposed to the disadvantage of being bound to a monopoly. I cannot imagine any good reason why, if the road is to be leased to that company, this House should not have an opportunity of considering that lease, and

determining whether it is in the interest of the country or not. If the lease be made in the interest of the country, it is certain that it will be sanctioned by this House.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—Its importance, in my opinion, cannot be over estimated. I look upon it as of much greater importance than the lease which the Government contemplated entering into only two or three weeks ago. I refer to the leasing, or otherwise acquiring of the portion of the Grand Trunk Railway which lies between Quebec and Riviere du Loup, connecting there with the Intercolonial Railway.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—There can be no comparison.

Hon. Mr. SCOTT—Certainly not.

Hon. Mr. MACPHERSON—Which is the more important in the estimation of the hon. gentleman?

Hon. Mr. SCOTT—The Riviere du Loup Road, certainly. It involves, practically, the question of a million of dollars.

Hon. Mr. MACPHERSON—It is a matter, so far as the real interests of the country are concerned, unimportant compared to the leasing of the Pembina Branch, because it does not affect the question of trade at all.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—The only question involved, is whether the Government shall own 128 miles more railway—whether the Intercolonial shall be extended from Riviere du Loup to Quebec.

Hon. Mr. SCOTT—It will entail an annual charge of some hundreds of thousands of dollars on the country, for all time to come; and that is what my hon. friend thinks unimportant.

Hon. Mr. MACPHERSON—The misfortune is, that the hon. gentleman—and and it is not confined to the hon Secretary of State, but extends to all his colleagues—seems incapable of comprehending and grasping the true and great interests of the country. The trade of the North-West may be largely affected by the lease of the Pembina Branch. If there was no

*Hon. Mr. Macpherson.*

trade, or if we did not expect a return, direct or indirect, we would not have built the Intercolonial or Pacific Railways, and we would not have constructed the canals or other public works. But was it not because of the anticipated value to the country, of having such facilities for its commerce, and of the immense aid they would render in increasing the trade and wealth of the country, that they are constructed? We are not getting a direct return from them. But will any one try to imagine what the condition of this country would be to day without those great improvements?

Hon. Mr. SCOTT—I am not belittling them. You are challenging my idea of comparison as to which of the two projects is of greater importance.

Hon. Mr. MACPHERSON—I think the one that may carry from us the whole trade of the North-West, is more important by far than the one which will simply increase by 128 miles, the length of the Intercolonial Railway. The hon. gentleman is a great advocate of the Georgian Bay Branch Railway; does he expect a return from that work? The hon. gentleman tells us what it will cost a year to maintain 128 miles of railway between Quebec and Riviere du Loup; will he tell us what the cost of the Georgian Bay Branch and its maintenance will be?

Hon. Mr. SCOTT—The Government do not intend to bear any part of the loss, if there is any.

Hon. Mr. MACPHERSON—The Georgian Bay Branch was projected as a Government work, and I have not heard of any change having been proposed by the Government in relation to it. I maintain, and I believe that every hon. gentleman who takes a proper view of the true interests of the country will agree with me, that the leasing of the Pembina Branch to a foreign company is very much more important, from a national point of view, than the leasing or acquiring of the Riviere du Loup Branch of the Grand Trunk Railway. I find by a notice given by the Prime Minister in another place, referring to the proposed acquisition from the Grand Trunk Company of that piece of railway, that he proposed to make the arrangement, whatever it might be, subject to the approval of Parliament.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. MACPHERSON—Now, if Parliament is to have an opportunity of passing upon that arrangement, I should like to know why Parliament should not have an opportunity of passing upon the other proposed arrangement also? I think that this notice of the Prime Minister is a complete answer to what has been urged by the hon. Secretary of State against this House asserting its right to consider whatever lease or running arrangement is made of the Pembina Branch.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—The precedent of the course pursued by this House, with respect to the Georgian Bay Branch, has been frequently referred to. I think the members of the Government in this House—the hon. Secretary of State is the only member of the Ministry who was here then and now—should not refer to that case. It is one which I think was not exactly worthy of the Government. That legislation was obtained without the knowledge of this House.

Hon. Mr. PENNY—No, no.

Hon. Mr. MACPHERSON—The hon. gentleman may say “No, no.” He, as a friend of the Georgian Bay Branch scheme, may have been told what was intended, but I undertake to say that of the few members who were present when that Bill was passed through this House, very few knew that it contained the provision complained of. Very few of the members who were then present knew that they were voting away a portion of their legislative rights, and I will undertake to say that the hon. Secretary of State cannot point to a word of explanation from himself on that occasion calling the attention of the House to the important surrender they were asked to make on that night.

Hon. Mr. SCOTT—I am not aware that they were asked to make a surrender.

Hon. Mr. MACPHERSON—Our having done so then, is now urged as a reason for doing it again, it has been cited as a precedent. I hope the House will adhere to the resolution arrived at when the Bill was last the subject of consideration, and maintain their right to consider and deal

*Hon. Mr. Macpherson.*

with whatever arrangement is made with the parties interested in the St. Paul and Pacific Railway Company.

Hon. Mr. SCOTT—The House seems to be laboring under a misconception in this matter; it has been assumed over and over again that the Senate was hoodwinked in some improper manner, in order to pass the Pacific Railway Act; that it has abnegated some of its functions, and that there was something in the Pacific Railway Act that I ought to have explained on that occasion. The Act had been discussed for some time, both in the House of Commons and in the newspapers of the country; and I am not aware that any part of the prerogative of this House was voted away in the passing of that Bill. What does my hon. friend allude to? In what way has this House been placed in any worse position than the House of Commons with regard to the Georgian Bay Branch?

Hon. Mr. MACPHERSON—Any contract or lease made by the Government respecting that road must be submitted to the House of Commons for their approval or disapproval.

Hon. Mr. SCOTT—This House assume everything against the Government, they do not take the trouble to look into the Statute and analyze it, but point out everything in connection with the Pacific Railway, as an evidence of how the Government have ignored this House, and profess it is a proof that the policy and management of the Government with respect to the Pacific Railway, are not in the interests of the people of this country. This House parted with none of its prerogatives on that occasion, inasmuch as the contracts for the Georgian Bay Branch, or any other branch of the Pacific Railway are not to be laid before the House of Commons. The Pembina Branch contract was not laid before the House of Commons; it did not require ratification there any more than the Georgian Bay Branch contract required their ratification. The eleventh section of the Act provides that:—“No contract for the construction of any portion of the main line of the said railway shall be binding until it shall have been laid before the House of Commons for

"one month without being disapproved, unless sooner approved by a resolution of the House." It will be seen that that clause refers to contracts for the main line, and not to contracts or agreements in connection with the branch lines of the road.

Hon. Mr. CAMPBELL--That is not the point.

Hon. Mr. SCOTT--The point is, when this Bill was passed, it was urged that this House had divested itself of the same right to pronounce upon the Georgian Bay Branch contract that the House of Commons retained. But the House of Commons has no power under the Act to pronounce upon any contract that may be entered into for any branch of the Pacific Railway. The unfortunate contract that the late Mr. Foster took from the Government, did not require the ratification of the House of Commons.

Hon. Mr. MILLER--Unless you have a special exception or reservation of these branch lines, does not the general rule apply to the branches as well as to the main line?

Hon. Mr. SCOTT--It has never been done. Contracts have not been subjected to the approval of the House of Commons. The Georgian Bay Branch contract was given out after the House rose in 1874, when this was fresh in the minds of everybody, and no objection was made to it. Then the contract for the Pembina Branch was not confirmed by the House in advance.

Hon. Mr. MACPHERSON—I spoke of the powers that the Government took under the Act.

Hon. Mr. CAMPBELL--The power which the Government took with respect to the Georgian Bay Branch was for leasing, and not for construction; and is as follows: "The Governor-in-Council may, at any time after the construction of the said branch of the railway, make with the company or companies over any portion of the said branch of the railway, such arrangements for leasing to such company or companies any portion of the said branch of the railway which may belong to the Government, on such terms and conditions as may be agreed upon, &c." That would not have been passed by this House if we had been aware that there was such a provision in this Bill.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT--It is a different thing.

Hon. Mr. CAMPBELL--That is the point. It was the very last day of the Session the Bill was passed. The House broke up on the twenty-sixth, and this Bill was in Committee on the twenty-third.

Hon. Mr. SCOTT--It bears out what I said. I state most emphatically that the hon. gentleman who last addressed us, led the House to believe, in regard to the giving out of the work on the Georgian Bay Branch, that this House had been debarred of its rights. I stated that this House was in precisely the same position as the other House in relation to that contract, and that the contracts for branches of the Pacific Railway were not intended to be submitted to either House, and, in fact, were not submitted.

Hon. Mr. CAMPBELL--I do not understand how the hon. gentleman draws any distinction between the branches and the main line, even on that point.

Hon. Mr. SCOTT--These contracts are always brought down to the House as all other orders are brought down; but that does not confirm the conclusions which the hon. gentleman desires to establish, that, in a matter of this kind, this Bill should be amended to give this House, practically, a veto power over the right of the Government to lease the Pembina Branch. I do not think the evidence brought up by the hon. gentleman from Westmoreland had any bearing on this question, except, perhaps, the postal arrangement made with the Allans, but it was a matter of very great magnitude. It involved the expenditure of \$150,000 a year. The hon. gentleman from Saugeen has come to the conclusion that the Government has not acted in the interests of the people of this country in not completing the Pembina Branch years ago.

Hon. Mr. MACPHERSON--Especially the interests of the people of Manitoba.

Hon. Mr. SCOTT--I explained the other day that had we gone on and built that road and equipped it, we would simply be enabled to run the line into a wilderness without being able to disturb the monopoly of the Transportation Company on the Red River.

Hon. Mr. MACPHERSON—Then why was it commenced?

Hon. Mr. SCOTT—It was commenced because we thought we should have induced the St. Paul & Pacific Railway Company to extend their line so as to make a connection with our road at the boundary line. Had the Government brought in locomotives and equipped that road without any connection having been made with the American lines, the hon. gentleman opposite would have been one of the first to ridicule such an absurdity. The Government had certain knowledge that the people who were interested in the Northern Pacific and in the St. Paul & Pacific Railways were anxious to go on with their lines, and there was an understanding that they would push on their roads to the frontier if this Government would go on with the Pembina Branch and complete it. Both of those companies were in deep water, however, and they had all they could do to keep up their lines as they were without extending them. The Northern Pacific Company, notwithstanding their enormous land grant from the United States Government, had only been enabled to build 535 miles of railway, although they had spent \$30,000,000, and had practically gone into bankruptcy. The St. Paul & Pacific Railway was in similar circumstances. I think it is within the recollection of hon. gentlemen that the question has been asked here, year after year, whether the Government intended to go on and build this branch, and the answer was, that the Dutch bondholders of the Northern Pacific were considering the question of extending their line, and that a correspondence had been opened with those gentlemen, asking them if they would not make up their minds to build this extension at once, and avail themselves of the advantages of the trade that must necessarily flow to their line by connection with Winnipeg. The hon. gentleman has heard that answer given to the question in this House.

Hon. Mr. MACPHERSON—I will tell the hon. gentleman what intimation was given to this House by his colleague, the present Lieutenant-Governor of Quebec, in 1875. He told this House that the Pembina Branch would be opened the following summer.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT—It was believed by the Government that those people with whom we were then in correspondence could have been induced to build this extension of the Northern Pacific road; but they were not able to extend it to the Canadian frontier. The Northern Pacific Railway had 104 miles of road to build to connect with our frontier, and the St. Paul & Pacific Railway Company, who have proposed to lease the Pembina Branch, have less than 30 miles to build to connect with our road at Pembina.

Hon. Mr. MACPHERSON—The Government ought to have loaned them the steel rails and built that extension.

Hon. Mr. SCOTT—The hon. gentleman would have approved of that I suppose?

Hon. Mr. MACPHERSON—I would.

Hon. Mr. SCOTT—The hon. gentleman says if the Government can only make a lease in the interests of this country this House will adopt it. I will ask hon. gentlemen to point out any part of the policy of the Government in relation to the Pacific Railway that the hon. gentleman has approved of? Not a single one! With respect to the Georgian Bay Branch he condemned the Government for giving out a contract to Mr. Foster to build that line without having made a survey, while he seemed to ignore entirely the fact, that the late Government had entered into a contract to build the whole line of the Pacific Railway without any survey of the country having been made. We tried the policy of the late Government with reference to that short piece of line, and we were condemned because we did so. The Georgian Bay Branch was simply put into the Pacific Railway to make connection with the Quebec system; and while it is called a branch it will be practically a part of the main line when the road is constructed north of Lake Superior. We tried this experiment that has been so often urged upon us as being the proper thing to do, and the country has seen the result. But we have been told at the same time by hon. gentlemen opposite, that we failed in our duty in giving out the Georgian Bay Branch contract without

having made an exhaustive survey. Has there been any consistency or fair play shown towards the Government? I say there has been no fair play extended to the Government; and no matter what course we take we are denounced by hon. gentlemen opposite, as not acting in the interests of the country. Then we were told it was not in the interests of the country that we should have bought all this land at Fort William. But I think hon. gentlemen in the future, will admit that we have acted wisely and prudently, both in placing the terminus on the Kaministiquia, and in purchasing the quantity of land we did. I am quite satisfied if the Government had taken the terminus to Prince Arthur's Landing, hon. gentlemen opposite would have condemned them, for not having located it at the Kaministiquia.

Hon. Mr. CAMPBELL—The Hon. Secretary of State has no right to make such an assertion.

Hon. Mr. SCOTT—It is my own conviction, painful as the conviction is that I have arrived at, and I say it with very great sorrow, hon. gentlemen opposite cannot point to a single act of the Government in connection with their railway policy, that they have not condemned them for, and told them if they had done something else it would have been better for the country. In no instance has any fair play been extended to us. Even when I asked for a committee of this House to investigate the charges against the Government, hon. gentlemen would not give the Government the fair play to which they were entitled of a majority of one on the Committee.

Hon. Mr. CAMPBELL—I rise to a point of order. It is not in order for any hon. gentleman to condemn the course which has been taken by this House in the manner in which the Hon. Secretary of State is now doing. He says the House is likely to pronounce against the Kaministiquia terminus, and if the Government had selected Prince Arthur's Landing for the terminus they would be as likely to pronounce against it. I say it is treating the House with disrespect, because no member has a right to speak disrespectfully of the decisions of the House, and I think nothing is more disrespectful than to say, if the Government had selected either

of the two places, the House would have pronounced against them. The Kaministiquia terminus is the only terminus that has been before the House. Prince Arthur's Landing has never been before the House as a terminus, and if the House has pronounced against the Kaministiquia, the majority have no right to be stigmatized as pronouncing unfairly against the Government.

Hon. Mr. SCOTT—If my observations have been taken as an offence, I wish to withdraw them. In discussing this question, as I thought I might fairly have done, to illustrate my point, I adverted to other sections of the Pacific Railway, where the charge had been made that the Government had not acted in the interests of the country; not only that, but the hon. gentleman from Saugeen had stated the Government had acted very stupidly.

Hon. Mr. MACPHERSON—That is not what I said. What I stated was, that the hon. Secretary of State did not seem to seize or grasp the important interests of this country as affecting its trade.

Hon. Mr. SCOTT—I will dismiss that branch of the subject, as I do not wish to say anything offensive to the House. I felt that the expressions I made use of, were forced from me by remarks of hon. gentlemen opposite; but I cheerfully withdraw the charge.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—With reference to the diversion of this trade of the North-West to the United States, hon. gentlemen know very well that under the Act of 1872, the construction of the Pembina Branch was authorized, and it was understood that it was really to be the first portion of the road that was to be constructed; and shortly after this Government came into power, they took authority to build it. I do not think it is quite fair, with a knowledge of the fact, that the Government had used every inducement to get the American Companies to extend their lines to the frontier, that we should be charged with a want of sincerity in not pushing on the construction of the Pembina Branch. Three months could

have finished the Pembina Branch at any time, but there was no possible object to be gained by finishing it until there was some chance of making connection with other railways.

Hon. Mr. MACPHERSON—I would be very sorry to impute anything that was not strictly fair to the Government, but I maintain that the little it would cost to run that railway would have been well spent in the interests of Manitoba. It would have shortened the journey between Winnipeg and the frontier nearly twenty hours, and it would have been a standing inducement to the American railways to push on their lines and make the connection.

Hon. Mr. SCOTT—They had a standing inducement, as they knew very well that the Government of this country was able to complete the road in a short time, whenever it was necessary to do so. A few months ago a number of gentlemen who have Canadian interests, as well as other interests, made a proposition to the Government, that they would undertake to extend the St. Paul & Pacific road to the boundary line, provided we would give specific advantages in connection with the Pembina Branch; it was purely a commercial enterprise with them, and not a patriotic one. It was important that the people of Manitoba should have some connection with the American railways. At all events, there would be this advantage: if the railway was to be a monopoly they would, at least during the summer season, have a rival route by water. The first proposition was for the twenty-one years running arrangement over the Pembina Branch. This the Government had declined, as they did not wish a diversion of the trade of the North-West into American channels should take place during that long period. It would be giving them extraordinary advantages, and might probably weaken or diminish the value of the road through our own territory when it came into operation. The negotiations went on until they arrived at this particular point, that they were prepared to enter into an arrangement, say, for a ten years' proposition; and that is how ten years came to be stated in the Bill. It is considered it will take five years before the all-rail

Hon. Mr. Scott,

route between Lake Superior and Red River is completed. During that time the Company would probably have some advantage in the winter season, and the remaining five years of the lease. That is all they would have, because, when our road between Red River and Lake Superior is in operation in the summer time, it would have superior advantages to any that the St. Paul & Pacific Railway could afford for our traffic. In the first place, the distance to Lake Superior would be much shorter, and, in the second place, the American roads would have to make connections with other lines, and the freight and passenger rates would therefore be in excess of what they would be on our line through to Fort Garry. Therefore, it was thought that, in view of the many important advantages that would accrue to Manitoba; and considering the large number of people who are now going into that country, and the great excess of cereals that will be produced in the North-West in the next few years, the Government thought, and I think the House will agree with that view, that it was wise to make this temporary arrangement if they could, and thereby induce the St. Paul and Pacific Railway Company to give us all-rail communication with Manitoba within a few months. I think it is perfectly clear that it was a wise proposition, and I think this House will quite concur in the opinion that the Government acted prudently in proposing the terms they did. The House went fully into the constitutional question the other day, and I do not think it is necessary for me to advert to it again. I scarcely think the precedent quoted by my hon. friend from Kingston is one in point, which was a question of the trusteeship of certain school moneys that were being administered by the Government in pursuance of certain Orders-in-Council. The points quoted by my hon. friend from Westmorland had a greater bearing upon it—particularly that in reference to the postal contract with the Allans, of which I had been at the moment in ignorance. That is the only one that struck me at all as a precedent for the proposed action of this House, and my answer to it is this: that it involved a considerable amount of annual expenditure extending over a very considerable number of years. With respect to the acquiring of the River du

Loup branch of the Grand Trunk Railway, I consider there is no parallel between the two cases. My reason is this: that in making the running arrangement with the St. Paul & Pacific Railway Company it is a matter that will act financially to our advantage, and the other would no doubt involve a considerable charge on the revenue of the country for some years to come. That is where I consider there is a very marked distinction between the two cases. I did advert to this important point also the other day, that, inasmuch as this Government had not, unfortunately, a majority in the Senate, and could not count upon any act or policy of theirs being approved of by this Chamber, parties would not feel that confidence in entering into an arrangement with the Government that they would if it was to be only passed upon by the Commons, where the Government have a majority. The Government must, in such matters, have the unlimited confidence of Parliament, and unless their proposition is one that is entirely unjustifiable, they can count on the support of their friends in the Commons. But the case is not similar in this Chamber. It is very well known that the Government are in a very large minority here, and they cannot, of course, have the same confidence in submitting a proposition of this nature to this House, more particularly where the interests of third parties are concerned. This proposition, to be of any value, would have to be commenced very soon after the House rises. It was announced the other day, that before the end of the present Session, the all-rail route would be open to Winnipeg on the assumption that this contract would be entered into at once, between the St. Paul & Pacific Railway and the Government of Canada. Hon. gentlemen have adverted to the reasonableness of the Government informing this House of the terms of the lease, and I stated it would have given me very great pleasure to have done so, had I been in possession of the details of the proposed arrangements, to have laid them on the table. But I state most emphatically, that the Government were not in possession of such information at the time, as to enable them to arrive at the details. The proposition had been made on one side, and was being considered on the other, but

*Hon. Mr. Scott.*

not the details. The details were for running arrangements, and were, if such arrangements were made, there should be no discriminating freight or passenger tariff on the other side of the line; that the mileage rates on the northern side of the line should be the same as on the south side; that no monopoly should be given, practically, even to this road; that they should have the Canadian traffic, but only on terms that were not in excess of any terms that any other road within reach would be willing to offer. In other words, if the Northern Pacific Railway Company were willing to carry our traffic between Glynndon and Duluth for a certain rate, that the St. Paul & Pacific Railway road should not charge any more for carrying it round by St. Paul. In this there was the greatest necessity to protect the interests of the people of Manitoba, and in order to do so, it was necessary that the rates to be charged on the northern side of the line should be subject to approval by the Governor-in-Council. Practically, that is the whole point with the exception of this particular one which I previously adverted to; that is, whether it is better the road should be leased, or whether we should simply make running arrangements. In one case we would be relieved of considerable expense in providing rolling stock, and of the annual charge of maintaining and officering the road. It is a matter, I think, that will be conceded, that the Government cannot successfully run a railway, and that a private enterprise can do it much more successfully and much more cheaply. I do not think the Government will be in a position, when the House rises, to say which proposition they will be likely to enter upon.

At 6 o'clock the Speaker left the chair.

#### AFTER RECESS.

Hon. Mr. DICKEY resumed the debate. He said: On approaching the discussion of this question, I desire to do so in the spirit indicated by my hon. friend from Westmoreland, not with a view to party triumph, but to the best interests of the Dominion, and it is because I believe that the majority of this House will consider in the same spirit, any lease that may be submitted to them, that I venture to ad-

vocate the amendment which reserves to this Chamber its undoubted constitutional right of passing upon that lease.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—The hon Secretary of State, in addressing the House on a former occasion, gave reasons why this House should not pass upon that lease, and he thought it not unbecoming for him to say, in substance, that he could not expect an unprejudiced expression of opinion on the terms of that lease from the majority of this House. He has repeated that statement to-day, and I feel myself justified in calling upon the hon. member to assign his reasons for flinging such a taunt across the House. The hon. gentleman has not ventured to give us a reason for that opinion, except by referring to our action in regard to the Canadian Pacific Railway. I do not stop to inquire into the almost trivial objection which he took to the course taken in this House on moving for a Committee to investigate the Kaminstiquia matter, when he told us the House showed its feeling—although he did not express the term, he conveyed it—its partial feeling by refusing to give the Government an equality on the Committee. He knows it necessarily must be composed of an uneven number. At the time I ventured to call his attention to the words of quite as great a man in the country to which we look for much of our inspiration on such a question. I referred to Mr. Gladstone's complaint of the composition of a Committee in the English House of Commons, because it was supposed to be unfavorable to him, and he undertook to say in even stronger language than my hon. friend has used, he would have no confidence in that committee, but the Premier of the day in England was too good a parliamentarian in a matter in which an implied change was made against the Government, to insist upon the appointment of a committee composed of a majority of his supporters. My hon. friend when asked to furnish a reason for his argument with reference to the matter which has come up this afternoon, mentioned the case of the Georgian Bay Branch; but it was because my hon. friend cited that as a precedent applicable to this case that the question was of any

*Hon. Mr. Dickey.*

importance at all. He said the legislation of 1874 furnished a precedent because it placed the leasing of the Georgian Bay Branch, under the approval of the House of Commons alone. My hon. friend has been obliged to tell us to-day, and to tell us truly, that there is nothing in that Act about the leasing of the Georgian Bay Branch.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—He might have gone further and told us, there is nothing in that Act respecting the leasing of the Pembina Branch. It is a significant fact that Section 15 refers, not to the Georgian Bay Branch—that is, the branch extending from the Eastern terminus of the Pacific Railway to the Georgian Bay—but to an entirely different line, the line extending from the Eastern terminus to the Canada Central.

Hon. Mr. SCOTT—I was answering my hon. friend from Toronto, and I showed conclusively that the contract to which he referred did not require to be ratified by either House.

Hon. Mr. DICKEY—My hon. friend said truly there was nothing in that Act requiring the ratification of either House. The matter itself would have had no significance if it had not been brought forward as a precedent to be followed in this legislation. The question of submitting the terms of the contract with regard to the Georgian Bay Branch arose entirely on that part which has, perhaps by some confusion of terms, been spoken of as the Georgian Bay Branch, the part extending from the Eastern terminus of the Canadian Pacific to the Canada Central. There was in addition to that, the 14th section granting \$12,000 a mile to that extension, and the contract for that portion was to be submitted to the House of Commons for its ratification. Why? Because it was a matter involving a grant of money, while this involves no such grant, and my hon. friend will see that all the precedents he quoted the other day referred to the very same principle, to cases in which there were contracts requiring grants of money, and, as a matter of course, while in England, as here, the initiation of money grants remains with the

House of Commons, it was right that contracts involving the expenditure of money should be submitted to the House of Commons. My hon. friend himself was obliged to quote precedents in regard to a large contract involving the expenditure of some millions of pounds on the Portsmouth fortifications where it was required to be submitted to the House of Lords as well as the House of Commons. We have had precedents brought before us to-day showing in a very analogous manner how those questions have been treated in our own Parliament. While there is nothing in this Pacific Railway Act referring to the question of leasing these lines, the 19th section shows clearly what was the obvious intention and spirit of this Act with regard to those contracts.

Hon. Mr. SCOTT—That provides for giving Parliament all the information.

Hon. Mr. DICKEY—Certainly. The whole spirit of this Act was that the Senate as well the House of Commons should have control not merely with regard to expenditure, but to contracts entered into by the Government. While reference has been made to the Georgian Bay Branch contract, I do not intend to go back to the manner in which this Act was passed. It happens, so far as I am concerned, I had no responsibility in that matter, because I was not here when it was before this House; but I can imagine that an Act introduced on the eve of prorogation, containing a great many sections, and passed hastily, might contain such a provision without attracting the notice of hon. members. No opportunity was given to examine minutely into all its sections. So far from regarding that as a precedent to be followed, if my hon. friend will remember, it has been a standing cause of complaint in this House that such a provision was contained in the Act. If this is to be cited as a precedent, the best answer to it is that if it were to be done over again there could not be found a majority in this House to consent to such a departure from the well understood principles of the Constitution. While I am upon that subject I may as well pass to the only two cases which, by any possibility, can be brought forward by my hon. friend as bearing upon his very severe criticism of

the conduct of this House. Those cases are the Georgian Bay Branch contract, and the Esquimalt and Nanaimo Railway Bill. With regard to the Georgian Bay Branch, I contend whether that was a question that ought or ought not to have been submitted to the Senate, the event proved that we were right, and when we objected to that contract, not merely because it was made without any survey, but upon other grounds, we had our best justification in the subsequent conduct of the Government, who were obliged, within a few months, to cancel that very contract.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—With regard to the only other question which arose, the Esquimalt and Nanaimo Railway—I am not going into the details of that case. It is only necessary to remind my hon. friend in regard to that question, that we were not only supported by a good many gentlemen on this side of the House, but by some who usually support the Government, and so far from it having been treated as a party question, it was opposed, as I contend all other questions relating to the Pacific Railway have been, upon its merits. Within five months after the defeat of that Bill, the Government adopted the very view held by the majority in this House, and embodied that view in a minute of Council, giving the very reasons urged by the majority here. That is an historical fact that cannot be got over, and a gentleman who protested against that bill in the other House, (Hon. Mr. Blake) subsequently became a member of the Government, and gave his talents to the preparation of the state paper to which I have alluded.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—I have already spoken of the puerile attempt to create a feeling against this House, because in this Chamber, where the Government rather boast that they are in a minority, we would not give the Secretary of State a majority on a committee to enquire into the conduct of the Government. If the hon. gentleman can furnish a precedent for that demand, I shall be glad to hear it, but I believe there is none. My

hon. friend has gone over a great deal of ground where I do not propose to follow him. He has given us a dissertation on almost every phase of the Pacific Railway, from ocean to ocean. I shall not attempt to follow him in his extraordinary argument that, though the Government lost a million or a million and a half of dollars on the notorious steel rails purchase, yet they more than made it up by postponing the work until labor got cheap. In other words, the poor laborer is to be consoled by the fact that the Government, instead of trying in any way to alleviate the commercial depression that has brought down laborers wages, with the other industrial interests in this country, have atoned for this loss by the gain in the reduced price.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—I do not propose to follow my hon. friend into this extraordinary feature of his case, nor do I propose to go into any discussion as to whether the Intercolonial Railway was built in seven years, as I always believed it was, or fourteen years, as my hon. friend made it out the other day. He has quoted precedents; I will give him another precedent that is not very old, it is only as old as the very present day on which we are speaking. The hon. gentleman disputes the doctrine that the Senate would have any power or control over this lease. He has been well answered on that point, but the hon. gentleman introduced a Bill here which was under discussion to-day, and I refer him to the 12th section of that Bill—the Auditor-General's—which struck me as it was passing through Committee. There, in a matter which concerns merely the public expenditure, my hon. friend and his Government have thought proper to embody the correct constitutional principle that the Senate even in that case should have an equal voice with the House of Commons. In presenting this question to the House on the second reading, I commented somewhat strongly perhaps upon the policy of this measure, and I am happy to find my views on that point sustained to-day by two of my hon. friends from Toronto. I do not propose to follow the Hon. Secretary of State in his wandering through Minnesota, and his remarks as to

*Hon. Mr. Dickey.*

where the road should begin or where it should end, all of which was evidently intended to draw us away from the point at issue, which is that the lease should be submitted to the Senate as well as the House of Commons. I shall confine myself to the main question. In addressing the House on a former occasion, I took the ground that this was a question relative to the disposal of national property. That is the great point. My hon. friend seems unable, or if willing, indisposed, to recognise the distinction between making a contract for the leasing of a branch railway, and a contract for disposing of public property. Whether it be for a long or short time, is of no consequence, the principle is the same—that is, you are dealing with national property, and disposing of it. That was my contention; and I am happy to find it supported by the precedents which my hon. friend from Westmoreland has saved me the trouble of quoting, especially the two cases exactly in point—the disposition of the Windsor and Annapolis line, and the Truro and Pictou Branch of the Intercolonial Railway.

Hon. Mr. SCOTT—We gave away those lines absolutely.

Hon. Mr. DICKEY—The Government gave them away it is true, but it is of no consequence whether they were given away, sold or leased. In any case, before the Government could have power to deal with them, they had to submit a resolution asking this Senate as well as the House of Commons, to sanction that transfer.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—It makes no difference whether it was leased for the term of ten years or a hundred years, or an absolute transfer, the principle is the same. My hon. friend has glossed over the Ocean Mail contract, which he admits is a strong case in point; but he has very ingeniously, if not ingenuously, overlooked the other two cases to which I have referred, which are exactly in point. Under the circumstances, the hon. gentleman need not be surprised that we on this side of the House desire to maintain the constitutional power

which belongs to this Senate of enquiring into all measures affecting the policy of the country, and especially the disposition of public property. That argument has never been answered, never grappled with. All the precedents of my hon. friend apply to the voting of money for after purposes, but he has found no precedent in the Railway Act, or any other legislation, for giving power to the Government to transfer or lease the public property without the consent of the two Houses of Parliament. I must say in conclusion, that the whole of this question lies, after all, in a nut-shell. Is it desirable or constitutional that this House should delegate the undoubted powers which it has under the Constitution, to the Government and to the House of Commons?

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY—That is the question. If not, then we should retain the powers we have. The question as to the terms of this lease is of comparatively minor moment to the great constitutional question, whether we should denude ourselves of the power of considering those terms at all. I confess when that lease is produced I shall look principally to it to see whether it is likely to afford speedy communication to our friends in Manitoba. It is with that view that I and every member on this side of the House, I believe, will look at it. I should like some better reason than any I have yet heard, why this House should be deprived of the power of examining that lease, and why it is that we should be met with such distrust. What right has the Secretary of State to distrust this House, and to state boldly that he has no confidence in the majority here? I have shown with regard to this Canadian Pacific Railway, he has no grounds for this imputation. He has himself stated that all his criticisms are confined to our action with regard to the Canadian Pacific Railway. I venture to say there is nothing in the antecedents of this House which will justify the limitation of its powers in the way the Secretary of State has suggested. I do hope this House will stand up for its constitutional rights, and I hope the members who are called upon to vote to-day to shut out this

*Hon. Mr. Dickey.*

House from the power of examining this lease, will reflect what the effect of that precedent will be in the future. The accident of to-day places this side of the House in a majority, but the accident of to-morrow may give hon. gentlemen opposite a majority, in antagonism to the majority in the other branch of the Legislature. And then they would find themselves, by the precedent they are desirous of establishing to-day, denuded of the right of examining into anything in the nature of a lease for disposing of a part of the public domain of this country to foreigners, as we are asked to do by our votes to-day.

Hon. Gentlemen—Hear, hear.

Hon. Mr. FERRIER—I was very much pleased with the statement made by my hon. friend from Westmoreland, that this House protected the rights of the smaller Provinces. I shall confine my remarks to Manitoba, because I consider that the North-West Territory will very soon—before half a century—be the backbone of the Dominion. I am exceedingly anxious, therefore, that we should at once give that country railway facilities. I think it is my duty to state to the House the facts with which I am acquainted, with reference to the transportation of emigrants to that country, and the large amount of luggage they are taking with them. The reason why the question comes up at this time, is the fact, there is business enough to support a railway, and a railway must be constructed very soon. If the Government do not build the railroad in Manitoba to Pembina, they will be neglecting their duty; because the number of emigrants going there now is so great that, if anything like the grasshopper plague should occur this year, there might be a famine in the land, and no means of transporting provisions for the people of that country. When business grows up, you will find plenty of people to build railroads, and run them, and that is what has led capitalists to invest money to extend the line of the St. Paul & Pacific Railway towards Pembina. The Grand Trunk Railway Company is now taking a car-load from Prescott to Fisher's Landing for \$200, or at the rate of 14 cents a mile. The railway from St. Paul to Fisher's Landing is 320 miles in length, and for that portion the St.

Paul & Pacific Railway Company take the same mileage as we do; that is 14 cents. The distance from Fisher's Landing to Winnipeg will be about 125 miles by rail; and according to the rates charged you will get freight conveyed over that road, when completed, at \$17 per car load. At present the distance by the river is 350 miles, and it costs from Fisher's Landing to Winnipeg \$49 per car load. That is the rate paid to the steamboat company instead of \$17 which the railroad would charge when constructed.

Hon. Gentlemen—Hear, hear.

Hon. Mr. FERRIER—It is most essential to the opening up of that new country that the people should have the advantage of railway communication. I cannot understand what fear the Government have in making a contract for running connections from Pembina to Winnipeg, with the St. Paul & Pacific Railway. I have had a conversation with those interested in building that short distance of 75 miles from Fisher's Landing to Pembina, and they are perfectly willing to take the same rates that the Grand Trunk Railway is now receiving; they look for nothing more. It is well known that a lease or contract for running arrangements in these days can be settled in 24 hours; and I cannot see what difficulty the Government can have in making an arrangement with the company, or why they are postponing the matter until next Session. I think the route ought to be opened this fall, because every facility should be given to those who are emigrating to the North-West to settle there. Great numbers have gone from Montreal and from this section—Ottawa district—this spring. The Grand Trunk Railway Company carried 110 persons in one party, and 30 or 40 in another; and hundreds are ready to go with car loads of luggage. The freight is very large in proportion to the number of passengers. If this section between Fisher's Landing and Winnipeg were opened it would cost from Prescott to Winnipeg \$217 per car load, without transshipment, while the price paid now is \$249.

Hon. Gentlemen—Hear, hear.

Hon. Mr. FERRIER—I believe this  
*Hon. Mr. Ferrier.*

Senate would make a very great mistake in resigning their right to examine the lease or running arrangements that may be entered into by the Government. I cannot understand what objection the Government can have to submitting that lease to the Senate for our approval, because I am sure there is not a member on this side of the House that would refuse to sanction a scheme such as the Grand Trunk Railway is making every day, with railroads with which they have connections. Whether the Government make any arrangements or not, I am fully convinced that these gentlemen who are taking up this road, seeing the profit that is to be made out of it, will carry out their intention whether the Government lease the Pembina Branch or not, if they will only construct that road at once. I base my opinion on the fact, that there is a most profitable business for a railway to do; and that is the reason why I believe the road will be constructed in Minnesota to the boundary. It is not every day such a certain return for an investment in a railroad presents itself; and the emigration to the North-West has only begun. With such a fertile country there, and the depression in trade in the Eastern Provinces of the Dominion, the thousands that will travel by that road must make it pay. If I were a young man I would go to Manitoba; because I believe it is the place for every young man who has energy and spirit to look after his interests. If the Government, by any political feeling—I believe there is nothing else in their objection—are prevented from giving to Manitoba the communication to which it is entitled, they deserve the censure of this House and of the country.

Hon. Mr. GIRARD—Naturally, I have reflected seriously on this question, because I am deeply interested in the result of this vote. I have to consider the interests of my Province, and at the same time the rights and prerogatives of the Senate. I must say, when this measure first came before this House, not only were many hon. gentlemen prepared to limit the lease to five years, but some were determined to reject it altogether. After some explanations, they agreed that the term of ten years should remain, but with the understanding that the Bill

should be amended to give the Senate the same right as the House of Commons to pass upon the lease. I thought then, and I think now, they were right.

Hon. Gentlemen—Hear, hear.

Hon. Mr. GIRARD—We ask no favor from the Government, but we claim the exercise of a right which has been recognized from time to time. The Pacific Railway Act of 1874 cannot fairly be cited as a precedent. It was passed at a late hour on a Saturday night immediately preceding prorogation, and this clause was overlooked. It seems to me the Government have, in the 16th and 19th clauses of the Act, all the power they require to lease the Pembina Branch, without coming here for the sanction of Parliament. The 16th clause is as follows:—

“The branch of the said railway from Fort Garry to Pembina, in the Province of Manitoba, shall be built either as a private enterprise, on the terms and conditions on which the main line may be constructed, or as a public work of the Dominion, under such contract or contracts as may be agreed upon and sanctioned by the Governor-in-Council.”

And the 19th section provides:—

“That the Minister of Public Works shall, within one month of the opening of each Session, lay before the two Houses of Parliament, a Report of the progress of the works and of the sums expended, together with copies of all contracts entered into since the last Report made to Parliament, for the construction of the said railway or any portion thereof, or for the running or working of the same.”

We may go through the other statutes of the present Parliament without finding another from which the principle for which we contend has been omitted. I find in 1874, in the transfer of the Windsor Branch of the Windsor and Annapolis Railway, and in the purchase of the harbor of Cow Bay, the principle is recognized. In the Supreme Court Act, passed in 1875, it is provided that the rules of procedure of that Court shall be laid before both Houses of Parliament. The Act passed last Session to establish the Maritime Court of Ontario, contains a similar provision. In the Act passed the same year, to authorize the transfer of the Truro and Pictou Branch of the Intercolonial Railway, I find that such transfer must be subject to the approval of Parli-

*Hon. Mr. Girard.*

ment at its next session. Many other precedents have been cited, and I merely mention these to show that I have taken a deep interest in the question. This prerogative is one of the most important we possess, and it should not be surrendered. I know it is important for Manitoba to have this road built, but it is, at the same time, the duty of the Government to furnish railway communication to the Province. It seems to me this House has never pursued an obstructive policy. All the important measures which have come before this House have received such attention that the Government must feel rather encouraged to consult the Senate in such matters; and I have no hesitation in saying, that many of the errors which have been committed in connection with the Pacific Railway would have been avoided, and a large portion of the money which has been uselessly expended might have been saved to the country, if this House had been allowed an opportunity to pronounce an opinion upon the contracts entered into by the Government.

Hon. Gentlemen—Hear, hear.

Hon. Mr. GIRARD—I would feel very sorry in any way to prejudice the interests of Manitoba. The people of Winnipeg are watching our proceedings here with deep interest, but I have no fear to appear before them, and I think they will understand that I have done my duty towards them and towards my country, in acting as I have done, because, if at the present time we have the Bill before us I think it is greatly due to my efforts. The other day, when the question was before the House, I was accused by the Secretary of State of having been continually opposed to the policy of the Government on the Pacific Railway question. I do not know whether that accusation was well founded or not, but I have a duty to perform here, and it is not my fault if the policy of the Government on that great question has been such that I cannot support it.

Hon. Gentlemen—Hear, hear.

Hon. Mr. GIRARD—I have not complained of all the blunders committed by the Government, but I have had occasion to refer to some of them, and to deplore that so much of the public money of the

Dominion has been expended without profit to the people of Canada or of any of the Provinces. A great responsibility rests upon this House, and although we have not control of the public money, we recognize the duty we owe to the country. I have been actuated on all occasions by a desire to do my duty and nothing else, because it is always unpleasant for one in my position, representing as I do one of the smallest Provinces in the Dominion, to have to oppose the Government. Personally I have nothing to get from the Ministry. I look for nothing for myself, but I have frequently to ask for favors for those I represent, and I know my chances of success would be much better if I were a supporter of the Administration. So long as their policy is calculated to promote the prosperity of the Dominion, they will find me ready to assist them, but their Pacific Railway policy is unjust to Manitoba, and ruinous to the country, and I am obliged to oppose it. The hon. Secretary of State says that the engineer sent to survey the route south of Lake Manitoba reported against it. That is very true, but the inference from his report is in favor of the Southern line. You cannot find a resident of Manitoba, or any one who has visited the country through which that line runs, who does not prefer it to the Northern route, and I think the time is not far distant when the question will be better understood, and the country will know that it is as much in the interest of the entire Dominion as of Manitoba that the line should run south of the Lake.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. GIRARD—It is right to look to the interests of future settlements in the North-West, but surely the pioneers, those who have opened up that country, should not be neglected. If one-half of the money which has been wasted on this enterprise by the Government had been expended in opening up communication through the fertile country between Winnipeg and the western boundary of Manitoba, it would have promoted settlement, and there would very soon be paying traffic for the road. Manitoba will always be the slave of the Dominion. I say this in no complaining spirit. Every

*Hon. Mr. Girard.*

dollar expended there will be repaid a hundred fold in the future. The Dominion Government possess the lands and they collect the customs and excise duties. Consequently, as the population increases, the revenue from that Province will increase. The Government have nothing to fear from this amendment. I am sure, if the lease is in the interests of this country, it will be ratified by this House. The Premier has promised that as soon as railway communication is open from the boundary of Manitoba southward, the Pembina Branch will at once be constructed. That was the reply which he gave to a delegation, of which I was a member, that waited upon him on one occasion. The surplus wheat from last year's harvest in Manitoba was five or six hundred thousand bushels. This year, from appearances, it is likely to reach one or two millions more, and all this grain must be removed. Until railway communication is opened to that country it must remain there. All Canada is interested in Manitoba. It is the hotel of the Dominion. Every Province has contributed to its population, and there is hardly a family in Ontario or Quebec that has not a member there. I shall sustain the amendment, but with this reservation—if the other House should refuse to accept it, rather than see the measure drop, I shall vote for the best interests of my Province.

Hon. Mr. READ—Perhaps there is no measure that has ever come before this House that I have felt a greater interest in than this. I believe the Senate is now chafing under the neglect of its duty to itself and to the country when it allowed the Pacific Railway Act of 1874 to pass without noticing the omission from it of the provision requiring the Government to submit contracts to this House for its approval. It was understood by everyone that the Bill contained that provision because every hon. gentleman who spoke in the debate upon it seemed to be under the impression in both Houses that all contracts must be submitted to Parliament, and not merely to the House of Commons. In consequence of that, perhaps the Bill was not so closely watched as it should have been. I know I never was more surprised than when I read the Pacific Railway Act at home,

and found that contracts were to be submitted to the House of Commons only. I have always said if any Bill of that kind came before us again while I had the honor of a seat here, it should not be passed with my consent, without containing the provision for which we are now contending. The only information which we get concerning the work on the Pacific Railway is contained on one page of a blue book, and is merely a statement of the date of the contracts and the expenditures, submitted to us in accordance with the Act of 1874. I recollect how that Act was passed in this House. It was introduced late on a Friday night, and prorogation was to take place the Tuesday following. The leader of the Opposition suggested that the discussion might take place in Committee, and the Bill was accordingly read the second time without debate. At 10:30 o'clock on Saturday night the House was moved into Committee on the Bill, the leader of the Government in this House giving no explanations. It was passed hurriedly through Committee, and the House adjourned at 11:30 o'clock. It was read the third time on Monday, after a very brief discussion, and the House was prorogued the following day. In my opinion it never would have been passed without amendment had the omission of that provision been detected. So far as I am concerned, I have always regretted our negligence on that occasion, and I shall take good care, while I hold a seat in the Senate, not to be caught in such a manner again. Some of the mistakes made by the Government would have been avoided possibly if the Senate had the power of judging of the wisdom of some of these large expenditures, especially the steel rails purchase, Fort Francis Lock, and other such outlays.

Hon. Mr. HAYTHORNE—I wish to make a few remarks on this subject, because I concur in one of the later views expressed by the hon. Senator from Amherst, that the question lies in a very small compass. I intend to support the clause as it came from the House of Commons, and I desire to vindicate myself from any idea which may prevail, that because I can support that clause, therefore, I am indifferent to the rights and privileges of the Senate. I venture to say

*Hon. Mr. Read.*

none of the hon. gentlemen who made such powerful speeches on the other side of the House, entertain stronger views as to the rights and privileges of this House than I do, yet those views are not inconsistent with supporting the clause before us as it came from the House of Commons. I support the clause because I am a firm believer in ministerial responsibility, and if you allow it to be frittered away and divided between the Ministry, the House of Commons and the Senate, the responsibility amounts to nothing at all. How will it be next Session, supposing you are called upon to confirm a lease between the Dominion Government and some railway company in Minnesota, if the House of Commons and the Senate should sanction it, and some half a dozen years hence it should turn out to be an unprofitable arrangement to Canada? Who would be to blame? If you wish the Ministry to be held responsible for good, bad and indifferent acts, you must make them solely responsible for what they do. It is on that principle I am disposed to accept the clause as it comes from the House of Commons. My own individual opinion is that the Bill would be a great deal better without the provision requiring such lease or agreement to be submitted to the House of Commons. I think it will be within the recollection of every hon. gentleman here this evening, that within a recent period this House adopted a similar course with regard to a Bill which passed through this House. I allude to the Act relating to the inspection of penitentiaries, which amended a former Act by removing a board of three commissioners and establishing one commissioner instead. Although a good deal of objection was taken to placing a single individual in that responsible position, the House concurred in the view of the Government. I think, it is an innovation in our Constitution to submit contracts to Parliament for their approval. It seems to me to be so thoroughly inconsistent with the efficiency of the public service, that I cannot understand why it has been adopted. How is any Ministry to negotiate with a railway company or any other body upon such unfavorable terms as must necessarily be the case if a contract before it can take effect must be submitted to both Houses of Parliament, which may differ from each other

as widely as the poles are asunder? How rarely has it happened in the last four or five years that this House has been in accord with the other House on questions of public policy!

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. HAYTHORNE—Having thus differed on the conduct of public affairs, how can any Ministry negotiate with foreign companies under such conditions? Four or five, possibly eight or nine months must elapse before the Government can give effect to a contract. I say, too, that it is not in conformity with the analogy of our Constitution, nor to that of Great Britain. The treaty making power belongs to the Crown which acts upon the advice of responsible Ministers, but treaties made with foreign powers are not submitted to either House of Parliament for ratification though they are submitted for information and approval. In like manner I could approve of the submission of any contract that the Government might enter into with a railway company in Minnesota to both Houses of Parliament for their information, but this House already possesses the power of calling for papers of that kind whenever it may see fit, and of censuring the Government, if it consider their conduct detrimental to the public service. To state that any privilege, real or imaginary, of this House is imperilled by a measure of this sort is most ill-timed. I prefer a more suitable occasion, when the public service is not to be compromised, to do my best to maintain all the privileges the Senate can reasonably and justly claim; but whatever our rights are, I think it is highly inexpedient in the present instance to assert them. I might refer to numerous antecedents in history which confirm the views I have expressed. I will merely mention one with reference to the Senate of the United States. There the Upper House possesses the right of putting a veto on the treaty-making power, and I would just call to the recollection of hon. gentlemen opposite, particularly the hon. Senator from Kingston, who took a part in the negotiations with the United States Government upon the Treaty of Washington, which must still be fresh in his mind. There were no less than three treaties of peace negotiated between

Great Britain and the United States, upon the question of the Alabama claims, and other collateral claims and differences which arose between England and the United States about the same time. One of the American ambassadors, Mr. Johnstone, negotiated a treaty. It was submitted to the United States Senate and rejected. Mr. Motley, the historian, negotiated a second treaty. That also was rejected by the United States Senate. There was a third and final treaty negotiated, which took effect with the aid of the Geneva Convention, the Halifax Convention, and by the submission of our rights in the Straits adjoining Vancouver Island, to the arbitration, of one of the European potentates. The result of the latter was unfavorable to us. We lost an important point in those Straits, which renders Victoria open to foreign attack in a way very disadvantageous to the Dominion. It may be said the United States gained by the abrogation of two treaties. They certainly obtained a large sum of money from the British Government in the third treaty to which they were not entitled, but the result does not at all defeat my argument, inasmuch as it shows the great inconvenience to which nations must be subjected by the want of individual action in such matters as the making of treaties. It may be said, this is no treaty; but the day may come when we will have to negotiate treaties with foreign powers, and a disadvantage may be felt in having to submit them to both Houses of Parliament. We can now only compare small things with great, and this treaty with a company in Minnesota may be compared with a treaty with a foreign power. It is in that way the inexpediency of diminishing the responsibility of Ministers, by allowing either or both Houses of Parliament to claim the right of ratifying such agreements, can be appreciated. On that principle, I shall vote for the clause as it came up to us from the other House. I do not wish to diminish the power of either branch of the Legislature, but I wish to impose the sole responsibility for such measures as this on the Ministers themselves. With reference to what has fallen from my hon. friend from Manitoba, and the hon. gentleman from Montreal, who spoke largely of the railway interests of Manitoba, the impression is strong in my

Hon. Mr. Haythorne.

mind, and I say, as a general supporter of the Government, with every wish to sustain their policy, I must express my firm conviction that it is their duty, as speedily as possible, to put under construction those 180 miles of road which intervene between Port Savanne and Rat Portage, in order that the all-rail route may be completed between our older Provinces and the younger sister, Manitoba, at as early a date as possible.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HAYTHORNE—I would be quite prepared to submit to somewhat heavier taxation than we have at present. I would be willing to increase our liabilities, and even strain our credit, if necessary, to accomplish an object which I consider so desirable.

Hon. Mr. SMITH—I consider it would be shirking my duty to allow this measure to pass without putting my views on record. I am opposed to leasing that road, or any portion of that road which the Government has promised this nation, to construct, at least until the whole of the work is finished. For by leasing that road to a company whose interests would not be amongst us, they would give the control of that road to men who might place it in such a position as to be almost ruinous to a large portion of this country. That road will for years be the inlet and outlet to Manitoba and the only desire of a company that would have no sympathy with us, and with the undertaking we have been working for years to accomplish, would be to make money out of it. No company wants that road unless to profit by it, and I think if there is any profit in it the Government should reserve it for the country, and change the tariff from time to time to suit the interests of the Dominion. The people of Manitoba must know that this Parliament and this country have the interests of the North-West at heart, and that Provinces which have no railroads themselves contribute to the construction of this railroad for the benefit of the North-West. No link in the chain of Provinces forming this Dominion has benefited so much by the Act of Union as Manitoba; and if the establishment of railway communication should be post-

*Hon. Mr. Haythorne.*

poned for a year or two in the interests of the whole Dominion, I say they have nothing to grumble at, because the whole of this country is contributing to further the interests of that Province. Look at the amount we are contributing every year for immigration, all of which is enriching Manitoba and the settlers who have been established there for years past. I protest against the Government giving that road into the hands of any company that may eventually divert the trade of the North-West into the United States.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SMITH—St. Paul will benefit for all time to come from it, and no gentleman in this House will live to see that trade come back to this country if you let it pass away out of our hands now. By this Act you give the Government authority to lease that road. If there is any profit to be made in running it, give it to our own people who pay the taxes to build that road. The bondholders at a distance would consider it strange that we should give a foreign company a lease of a Canadian road and enable them for all time to come to divert the trade of the North-West from Canada, to depreciate the value of Canadian securities, and by that means injure the credit of the country hereafter. Let us vote to night for the Government to hold the road in their own hands, and control the growing trade of the North-West for the benefit of the Dominion.

Hon. Mr. SUTHERLAND—I do not rise with the expectation that anything I may say is going to convince any member of this House a great deal, but still I feel that the Senate is deeply interested in the future of that great North-West country, and would not willingly do anything to interfere with its material prosperity. I consider it exceedingly unfortunate, and it may eventually be disastrous to our country that this question, to us a question of vital importance, should be made dependent upon a disputed constitutional point. I consider it would be nothing short of criminal on the part of any individual or body that would prevent the building of the Pembina Branch. It has been said by some hon. gentlemen, that this road should be left open, so that

other lines could compete for its traffic. In the same breath they tell us that, if leased, it would divert the trade of the North-West from Canadian channels. In that case a monopoly would best protect the interests of the country, because high rates would have a tendency to check trade in that direction. We should deal with this question entirely independent of party.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. SUTHERLAND—I do not say that my views and judgment are better than those of any other gentleman in this House, but I would not like to assume the responsibility, for the sake of party, of giving the Government a chance, if they were so inclined, to say that we prevented them from giving Manitoba railway communication. I will vote for the Bill and leave the responsibility of making a wise arrangement with the Government.

Hon. Mr. REESOR—The constitutional view that has been so fully discussed in this question, I think, bears two or three interpretations. We have precedents where measures of this kind have been referred to the approval of Parliament, and have been referred for the approval of the House of Commons only, so that taking either view I think the House would be quite justified in adopting such a course as they may think proper. To my mind it is only a question of policy whether it is necessary in this instance to restrict the action of the Government, as to compel them to come back to the Senate for their sanction to such contract as they may enter into with a company to lease the Pembina Branch Railway. My own view is that it would be perfectly safe to leave it in the hands of the Government, even though they did not bring it back to the House of Commons for ratification, but if it is claimed that it should come also to the Senate there is this difficulty in the way. The Government do not control a majority in the Senate, and the majority work continuously against the action of the Government, as the Ministry have not their confidence. The position of this Senate is different from that of

the House of Lords in England. The House of Lords, as a rule, have confidence in the Government of the day, and there is a provision in the Constitution also, by which the Government can add to the number of the Upper House, in the event of a dead-lock between the Lords and the Commons. There is no such provision by which this House can be induced to act in harmony with the House of Commons, if they do not choose to do so when they have a majority against the Government.

Hon. Mr. AIKINS—Is it not well that it should be so if the Senate is in the right?

Hon. Mr. REESOR—It is, perhaps, better that it should be so, if the Senate is in the right. But, we will soon have a general election, and if the Government come back, having been sustained by the country, and enter into an agreement with this company, what position would they be in if we vetoed that agreement? We would simply be acting in direct opposition to the will of the people, as expressed at the polls. I think we may safely leave this matter in the hands of the Government, inasmuch as we have precedents for that course in the policy that has been pursued with respect to the contracts on the Pacific Railway, both with regard to the main line and the branches. It has been asserted that there is great safety in submitting matters of this kind to the Senate, because the smaller Provinces are better represented in this House than they are in the House of Commons. The Georgian Bay Branch scheme was submitted to the Senate and received their sanction that the Government should be authorized to let contracts for it. Now the Senate condemn it, and the fact of submitting that agreement to the Senate proved no more a guarantee of the ultimate advantage to the work than if it had been submitted to the Commons alone. However, as the work proceeded it was found to be impracticable and the Government very properly set it aside without having to submit it to either House of Parliament. Under the present circumstances, the railway being now so very desirable, and that it should be completed as soon as possible to accommodate the large stream of immigration that is going into that Province, I think the House would be safe in

Hon. Mr. Sutherland.

allowing this Bill to go through in the shape in which it came up from the other House, and leave the responsibility with the Government until after the election of a new Parliament. If the majority next Session should then be in harmony with the majority in this House, they will have the right either to modify or set aside the contract entered into by the Government, but if the majority returned by the people express themselves in favor of that contract I do not think it would be right for this Senate to step in and oppose the will of the people. Under such circumstances I consider it our duty to sustain the Bill as it came up from the other House.

Hon. Mr. WARK—An hon. gentleman has thrown across the floor of this House the taunt that if we vote for this measure we will be voting away our rights and privileges. I am just as tenacious of the rights of this House as the hon. gentleman who made use of that language, but there are times to assert those rights, and on the present occasion it is neither expedient nor opportune to do so. This is a case in which persons residing in another country are concerned. They have stated the conditions on which they would extend their line to connect with the Pembina Branch, and unless the Government are in a position to comply with those conditions at once, it is very likely that the arrangement will fall through altogether, and this important Province will be thrown back perhaps for years for want of railway accommodation. If anything were wanting to convince this company that it would be entirely useless and unsafe for them to enter into any lease with the Government for that road, if it had to be confirmed by this House, the course which this debate has taken would at once show them the danger and inexpediency of entering into any such arrangement. We have only to look at the diversity of opinions that has been shown to exist amongst hon. members who wish this question to be submitted to the Senate. One hon. gentleman argued that it was not to the interests of the Dominion to allow the trade of Manitoba to be diverted into the United States at all. Another hon. gentleman argued that the road ought not to be leased, but it ought to be held by the Government, giving other rival roads running arrange-

*Hon. Mr. Reesor.*

ments over it; it would be all the better for us if there were several of them. And other hon. gentlemen argued that the road ought not to be leased at all. What chance, then, would there be for the Government to enter into any lease, when such a diversity of opinion exists. Then, as to the question of diverting the trade out of the Dominion, would not that argument have broken down the project for building bridges across the St. Lawrence? For what are they built, if not to promote intercourse between this Dominion and the United States? Here you say to connect this road with the United States, would direct the trade of Manitoba in the direction which is not for our advantage that it should be directed; but the people of Manitoba should be permitted to sell their produce in the best markets. And I agree with my hon. friend from Prince Edward Island in saying, the sooner the connecting link between Lake Superior and Red River is built the better, and then the people will have their choice of the best markets to sell their produce. The singular arguments I have heard convince me that no Government would be safe in entering into a lease if it had to be submitted for the approbation of this House. What would the company say, when the Government proposed to lease this road. They would naturally ask, "can you guarantee, if you have to submit this lease to the Senate, that the majority in that House who are so divergent from the Government on almost every subject that comes up, will ratify it?" Only two days ago, the Government brought in a measure to re-arrange the departments. What question in the world was more appropriate for the Government to deal with, than that, after having several years experience of managing the affairs of the country, and finding one officer broken down in health from overwork, in his department, and another officer who has so very little business to perform, that he has practically nothing to do. Yet, when the Government came in with a measure to re-arrange these departments, so as to distribute the work more evenly, it was rejected by this House.

Hon. Mr. BOTSFORD—Does the hon. gentleman deny our right to reject such measures?

Hon. Mr. WARK—Certainly not, though I may question the expediency. But it shows they use their right to refuse their sanction to important arrangements which the Government might enter into. Therefore, I say, no Government would attempt to enter into an arrangement under such circumstances.

The House divided on Hon. Mr. Pelletier's motion, which was lost on the following division:—

## CONTENTS :

## The Hon. Messrs.

Beilargeon,	Paquet,
Chaffers,	Pelletier,
Christie (Speaker),	Penny,
Cormier,	Power,
Fabre,	Reesor,
Haythorne,	Scott,
Hope,	Simpson,
Leonard,	Stevens,
McClelan (Hopewell),	Sutherland,
McMaster,	Wark.—20.

## NON-CONTENTS :

## Hon. Messrs.

Aikins,	Hamilton (Inkerman),
Alexander,	Hamilton (Kingston),
Allan,	Haviland,
Armand,	Howlan,
Benson,	Kaulbach,
Botsford,	MacLelan, (Lon'nd'ry)
Bourinot,	Macdonald (Victoria),
Campbell,	Macfarlane,
Carrall,	Macpherson,
Chapais,	Miller,
Cornwall,	Montgomery,
Dever,	Muirhead,
Dickey,	Read,
Dickson,	Ryan,
Damouchel,	Seymour,
Ferguson,	Smith,
Ferrier,	Trudel,
Flint,	Vidal and
Gisard,	Wilmot.—39.
Glasier,	

Hon. Mr. PELLIETIER moved that the amendments made by the Committee of the Whole to the said Bill be adopted.

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

### STAMPS ON PROMISSORY NOTES AND BILLS OF EXCHANGE BILL.

## SECOND READING.

Hon. Mr. SCOTT moved the second  
Hon. Mr. Wark.

reading of Bill (4): "An Act to amend the law relating to Stamps on Promissory Notes and Bills of Exchange." He said: The object of this Bill is to amend the law relating to Stamps on Notes and Bills of Exchange in those particulars in which the existing law is somewhat silent. There has been some doubt as to the stamping of certain kinds of paper made outside of Canada, but payable in Canada. This Bill provides that such paper shall be legal if it is stamped when it is first presented for acceptance. The second clause makes provision for making such paper valid by means of double stamps, when it is not properly stamped in the first hands. The third clause provides for stamping paper or securities of a deceased person that may come into the hands of an executor or administrator, giving validity thereto by affixing double stamps. The next clause makes provision for putting double stamps on the record where an action has been brought to recover the amount of a lost or destroyed note, draft, or Bill of exchange. The Bill is to remove doubts in the existing law rather than to initiate any new principle.

Hon. Mr. DICKEY—I congratulate the Government upon having presented to us a Bill which has so few objectionable features in it as the present one; a very different Bill from what it was when it was first introduced in another place.

Hon. Mr. SCOTT—It is not a Government Bill.

Hon. Mr. DICKEY—It has been adopted by the Government by their having taken charge of it in this House. I trust it is the only Bill which we shall have presented to us on the subject of stamps during the present Session.

Hon. Mr. CAMPBELL gave notice that he had an amendment to propose when the Bill went into Committee.

Hon. Mr. BUREAU said he also proposed to move an amendment in Committee to remove doubts respecting stamps on notarial documents.

The Bill was read the second time.

## PUBLIC ACCOUNTS AUDIT BILL.

## THIRD READING.

Hon. Mr. SCOTT moved concurrence in the amendments made by the Committee of the Whole to Bill (53): "An Act to provide for the better Auditing of Public Accounts."

Hon. Mr. POWER called attention to an amendment which he considered was altogether inconsistent with the action of the House a few days ago, when they had decided that the Receiver-General's office should continue to be an independent department. The real acting officer of the Department was the Deputy Minister of Finance; but under this amendment the Deputy Minister of Finance was made to be *ex-officio* Secretary of the Treasury Board. In other words, it did away with the Receiver-General's office, while they paid the officer himself his salary.

Hon. Mr. SCOTT said the Deputy-Receiver-General and the Deputy Minister of Finance would be one and the same individual, so that there would be no inconsistency in it.

The amendments were concurred in, and the Bill was ordered for third reading to-morrow.

The House adjourned at 10.30 p.m.

## THE SENATE.

*Wednesday, May 1st.*

The SPEAKER took the chair at three o'clock, p.m.

After Routine proceedings,

## ST. PETER'S CANAL.

## CONSIDERATION OF RETURN.

Hon. Mr. MILLER moved:—

"That the Return to the Address of the Senate during the present Session, for copies of Contracts, Reports and Orders-in-Council relating to the St. Peters Canal, be taken into consideration by the House."

*Hon. Mr. Scott.*

He said:—The question of the St. Peter's Canal is one with which the House must be familiar, as on several occasions I have felt it my duty to bring the subject before the Senate. I regret to be compelled on the present occasion to do so again, and the more so because I find it a very unpleasant duty to be compelled so frequently to animadvert upon the conduct of the Government with regard to this and other public matters. The occasions have been so frequent when it became the duty of hon. gentlemen occupying independent positions in this House to censure the Government—especially in connection with the administration of the Public Works Department—that I would really avoid doing so now if I could feel it consistent with the duty I owe to the people of Cape Breton, where this work is situated, and where I reside. The St. Peter's Canal is a work that was constructed under the Government of the late Province of Nova Scotia. Before Confederation the Provincial Government deemed it of so great importance that the inland waters of the Island of Cape Breton should be connected with the waters of the Atlantic on the Southern coast, that it was decided to cut the narrow neck of land which joins the two great divisions of the Island of Cape Breton together at St. Peters, and thereby open up communication with the interior of the island, which would be a great benefit to the country in developing its trade and resources. Previous to Confederation the Province had expended about \$200,000 in completing the canal which, after some time, was found to be inadequate for the purposes of the trade of that section of the country. After the canal was opened it required a few years to test its adaptability to the commerce and requirements of the country, and, in 1873, after five or six years, the subject having been urged frequently upon the Government of the day that a survey should be had with the view to coming to some conclusion with regard to the enlargement of the canal, in the summer of 1873, Mr. Purley, an engineer of the Public Works Department, was sent down by the late Government to Cape Breton to make the survey, and during that summer he made the necessary examinations. In other discussions which have taken place upon this question, in has been de-

nied that there was any minute or record in the Government offices to show that this step had been taken under the late Government, while Mr. Langevin was Minister of Public Works, but the fact is so notorious that the survey was made in 1873 by Mr. Perley, that unless we are prepared to deny that the Government of Sir John Macdonald was in power in 1873, when Mr. Perley made the survey, we are not in a position to dispute the authority and instructions under which that engineer acted, during the summer of that year. According to Mr. Perley's report, it was recommended that the canal should be increased to 55 feet in width, and 15½ feet in depth, and that the locks should also be enlarged. This report was presented to the Government early in January, 1874, and was submitted to the new Government after the change of Administration. On that report a sum was placed in the Estimates, in 1874, for the enlargement of the canal, and the members from Cape Breton in both Houses believed that the plans of Mr. Perley would be adhered to by the Government in making that expenditure. About a year after the appropriation was made, tenders were called for, but, strange to say, the plans were altered, reducing the dimensions of the canal from 55 feet in width to 36 feet; and from 15½ feet in depth to 15 feet. This was done by the Minister of Public Works without consultation with any one public man interested in that undertaking, and it naturally produced a great deal of dissatisfaction among the people of the Island of Cape Breton. In the first place, it showed such an utter disregard for the interests of that portion of the country, and was such a high-handed and arbitrary mode of dealing with the Public Works, without consulting any one who was in a position to give correct information with regard to the matter, that a general feeling of indignation was excited throughout the Island. The consequence was that, after a year of agitation, the plans had to be changed, and the work was proceeded with on an enlarged scale. I should state, under the first notice, the contract was given to a Mr. Tuck, of St. John, on a certain schedule of prices for the work contained in the contract, amounting in all to \$203,000. During the following year the indignation of the people became so great

in the Island of Cape Breton at the high-handed and impolitic act on the part of the Minister in reducing the plans, that it was found necessary again to depart from the contract and to enlarge the canal to a width of 48 feet. On investigation—such an investigation as the Minister should have made before he ventured to interfere with the original plans—it was found that 48 feet would be the least width and 18 feet the least depth that would be suitable for the vessels likely to use that canal. Then the Government were in this position, the contract had been let to Mr. Tuck under certain specifications, that the canal should be enlarged to certain dimensions, and it was necessary, of course, to come to an arrangement with Mr. Tuck. But Mr. Tuck refused to do the additional work at the same rate, although it was work that would not be any more costly, unless he got increased prices. The Government had to give him, for excavating rock in his second contract, \$1.20 per cubic yard, which he had agreed in his original contract to do for 99 cents per cubic yard. They had to increase the price of timber also, and had to agree to give him a very considerable sum in addition, for pumping out the water. Under the original contract he had \$18,000 for building coffer-dams at both ends of the canal and keeping the works free from water. We all know that a great portion of the expense in connection with that item was building the coffer dams and putting engines on the ground, which, once there, entailed little additional expense. But in addition to the \$18,000, another sum of \$8,000 or \$9,000 had to be added to the contract price for pumping in connection with the first extra work. Mr. Tuck's contract increased the cost of the work to about \$250,000; and no doubt there was a loss to the Government of \$10,000 or \$20,000 in consequence of that change, which might have been saved to the country if the work had been properly let at the outset. But this was not all. One would suppose, that having made a blunder in setting aside the first specification for that work, and that blunder having been brought to the notice of the Government, and having had to rectify it at the expense of the country, they would have taken care to see, if it were possible, if there were any other blunders,

and rectify them all at the same time. But they did not do so. They had reduced the contemplated depth of the canal half a foot. We always considered 15½ feet too little, and the people of Cape Breton would not listen to any proposal to reduce that depth. In consequence of that reduction an agitation was commenced, and such pressure was brought to bear upon the Government, that they finally had to make another alteration in the contract, and a new contract had to be entered upon. In this new contract, of course, Mr. Tuck had them again at his mercy, as they were obliged to a large extent in dealing with him to accept his terms. Where Mr. Tuck got 39 cents per cubic yard for the removal of clay in the first instance; he then insisted upon 49 cents, and they had to give it to him. Where he had received 99 cents per cubic yard for the excavation of rock, and which they had increased to \$1.20 in the second contract, he made them go as high as \$1.55 per cubic yard in the third contract. So in this way the additional contracts which were given have cost the country much more than they ought to have cost, had the Minister of Public Works assured himself in the outset that the plans and specifications were what they should be.

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. MILLER—I have heard a great deal of the blundering in connection with the Pacific Railway, but I doubt if there is a single instance in connection with that undertaking in which the Government have made greater blunders than they have in connection with the St. Peter's Canal. In addition to what I have mentioned, when they gave the original contract, they did not take any precaution to secure the land required for the execution of the work. The land on both sides of the canal belonged to private individuals. The contract was let, and when the contractor went down in the fall of 1876 to commence work he was told by the proprietors that he could not trespass on their lands, as the Government had made no expropriation of it. The contractor was thereby kept idle the whole autumn and winter with a large staff of men and horses at heavy expense, not

able to do a single day's work, in consequence of the Government not having secured the land before giving out the contract, and to-day he has a large claim for extras against the Department, which will no doubt form a subject for the Exchequer Court to deal with. In the original contract the retaining walls were to be of wood, and I believe no alteration has been made in that section of that contract yet. Now, I want to inform the Government if they persist in making those retaining walls of wood, they will be committing a very grave mistake, as no wood will stand in that canal more than three or four years, such is its liability to be destroyed by worms. The present contractor got out a large quantity of material the first year he was in charge of the works, and among that material was a quantity of very valuable timber. That timber is to-day, I am told, perfectly perforated by worms, and unfit to be used in the work. Worms are very destructive to wood in that canal, and in the Bras d'or Lake, and I am told by authorities on the subject that wood will not stand in those retaining walls more than four years at the outside; and it will be unfortunate, if after a heavy expense has been incurred in the enlargement of this canal, it is found that a mistake has been made which will entail a great additional outlay, and the closing up of the canal again in order to have the blunder rectified. The additional cost of making those retaining walls of stone would be very trifling, and it would be money well invested. I also wish to impress on the Government the imperative necessity of increasing the length of the lock in the canal to 250 feet. As the gates enter inwards, the space is not sufficient for large vessels (making allowance for their fore and aft rigging and booms) such as will use the canal after its enlargement. These two things should be attended to immediately, and I hope the Government will not be afraid, on account of their previous mistakes, to rectify these faults, as it can clearly be done under a power vested in the Minister of Public Works in one of the clauses of the first agreement. Let it, therefore, not be neglected, if the Government care anything about the suitability of the canal. But there is a strange feature in this contract. Rumor has it, that certain friends of the Govern-

Hon. Mr. Miller.

ment in St. John are the parties who are beneficially interested in this work. This is the opinion in the Island of Cape Breton, and there are circumstances which point strongly in confirmation of that rumor. Although Mr. Tuck was manager of the works up to a recent period, during all the time of his management there were other gentlemen in charge of the labor and disbursements, almost independent of him, although nominally under him, who are supposed to have been the agents and representatives of the parties in St. John who were beneficially interested in this contract, and those parties are believed to be a number of gentlemen who are known to be prominent and influential members of the Government in New Brunswick. Now, all those increases which I have referred to, have made this contract a valuable one, and all those enlargements have been apparently made, as much with the object of benefiting those people who are behind the scenes, as for any other cause, and certainly they will have the effect of putting a large amount of money into the pockets of persons who are believed to be friends of the Government. Last fall, Mr. Tuck became embarrassed and unable to carry on the works. It was quite clear, from the outset, that he was not managing his affairs as he should have done, by pursuing a proper system. For instance, he got a large quantity of material on the ground at first, that was not necessary until towards the completion of the work, and, being short of means, he so involved himself that he found it necessary to retire, largely indebted to merchants, laborers, vessel owners and others. When his liabilities were such, that he found himself unable to meet them, what did the Government do then? Did they put this important work up to tender again? No. Nothing of the kind; but they gave the work to a friend of the gentlemen behind the scenes, a Mr. Kennedy, a wharf builder of St. John, to whom they assigned Mr. Tuck's contract, and took the canal off his hands, without paying for the material that had gone into the work, or the labor of the men who had not received their wages from the previous manager. I say the Government should not have allowed that contract to have been assigned to Mr. Kennedy for the benefit of the securities,

without seeing that those poor people who had been induced to advance their means and to furnish supplies and labor, were duly paid. That is what has been done in the case of Mr. Tuck, and it is possible it may be done again. If ever there was a case in which the Government should have stipulated that the first claims of the laborers, traders, quarrymen and others, whose means and toil had gone into that work, should have been protected, it was in this case. They should have seen that those honest debts were discharged by those who got the completion of the contract, or that it was taken out of the ten per cent drawback that had been retained on the contract. But, though the contract gave the Government the power to retain ten per cent upon the work done, nearly the whole of that sum had been advanced to Mr. Tuck, through the interest of his friends, the individuals who, I believe, are interested in this contract, and a large number of laborers who had toiled all summer on the work, were actually left in a state of destitution. I say the Government were guilty of culpable connivance, when they neglected to see that the interests of those poor people were absolutely protected as a condition precedent in taking the contract off Mr. Tuck's hands. In conclusion I would again call the attention of the Government to the necessity for increasing the length of the lock of the Canal. As it would cost very little more to increase it to 250 feet, I trust they will take the matter into consideration, and see that this improvement is made. I also call particular attention to the necessity for stone instead of wood in the retaining walls. I am sorry to have to deal so severely with the management of this public work by the Government. But from the outset the Department of Public Works have acted in a most high handed and capricious manner in relation to this Canal, and have done nothing properly but what they have been forced to do by an indignant public opinion in that country. I say it is unfortunate that we have had to wring these concessions from the Government; they have been forced by fear of the ballot-box, and not by a sense of justice, to deal with this question in the way they should have done. I do not know whether the Government have yet the power to see

justice done to the poor people who have been left unpaid by the contractor, or if it is possible for them to see that those claims are still met; but I do hope as they neglected at the right moment to secure these people, they will still use their influence to have justice done to men who have been kept out of their hard earnings during the past winter, and in these dull times. I feel it my duty to bring this subject before the Senate again this year, as I believe the only way to keep some people to the mark is to make them feel a vigilant eye is kept on their proceedings, and because I have always taken a deep interest in St. Peter's Canal. But there is another reason why I do so on this occasion; it is because those whose especial duty it is to look after and protect the interests of the labourers and others are more bent in currying favor with the contractor for the sake of his political influence, than disposed to fight for the rights of those whose friendship is not so well worth securing.

Hon. Mr. SCOTT—I can appreciate the fact that the hon. gentleman required to preface his remarks with an apology, in which he expresses great regret in having to criticise the conduct of the Government in reference to this canal. I think the hon. gentleman will require to work himself up to a very high state of feeling in order to have any possible justification for reflecting on the policy of the Government with respect to that work. It is unfortunate that the hon. gentleman should have taken this view of the subject, and I was quite unprepared to hear the attack which he has made on the Minister of Public Works. For long years, between 1867 and the time of the change of Government, the hon. gentleman, and those coming with him from Cape Breton had failed to obtain justice at the hands of the late Administration. They had failed to induce that Government to believe that it was in the interest of the people of Cape Breton, or that it was the duty of the people of Canada to contribute a quarter of a million of dollars to the enlargement of the St. Peter's Canal. All that the hon. gentleman has got to show that there was any action taken by the late Administration, is the existence of a report made after the present Government

*Hon. Mr. Miller*

came into office. He cannot find that on any one occasion the demands of the hon. gentleman have received any consideration at the hands of the late Government. He cannot point to a single Order-in-Council, to a State paper, or to an item in the Estimates for the construction of the St. Peter's Canal. All he can say is, that Mr. Perley was sent down there, but he cannot point to any instructions even that had been given to him, but simply that there had been a report from Mr. Perley shortly after the change of Government, recommending the enlarging of the St. Peter's Canal. Hon. gentlemen know very well that the engineers in various quarters of the Dominion make such reports to the Department of Public Works, suggesting changes and improvements in the works of the various Provinces, but it in no way binds the Government to carry them out. I can point hon. gentlemen to dozens of such reports that have been made to the Government during the last few years, and it would be very desirable to have carried them out if the means of the country permitted it. But what did the Government do in this case? They did not allow a single year to elapse without trying to meet the wishes of the people of Cape Breton. They did not bind themselves to carry out the canal on the scale recommended by Mr. Perley, but they had plans made of the work on a smaller scale, and called for tenders for the construction of the work. That was the spirit in which the present Administration approached this undertaking in the very first year of their existence.

Hon. Mr. MILLER—The first contract was entered into two years after the Government came into power—in September, 1875.

Hon. Mr. SCOTT—You will find a vote in the estimates of the first year. But all those things require time; the specifications had to be prepared, and tenders had to be called for, and there is necessarily always a delay before work of this kind can be put in operation. After the work had been let, the friends of the Government brought it under the notice of the Minister of Public Works, that it was very much to be regretted that the work was not commenced on a large scale. It was a mere matter of money, and

although in the opinion of the Government the work was a valuable one as it was first, in order to meet the wishes of the people of Cape Breton, they consented to enlarge the canal. A condition was inserted in that contract, as in all other contracts, that it was competent for the Government to increase or decrease the work according to a certain schedule of prices. The hon. gentleman says the canal had to be deepened, and the effect of deepening it was to entail so much more cost; but does not every hon. gentleman in this Chamber, who has had even a cellar dug, know that for every foot you go down, so much more is the cost increased; and for every foot a contractor goes down in a canal, there is a recognised scale by which he has to be paid for the increase. It is a matter that is perfectly understood, and it is idle for the hon. gentleman to say that the Government paid this money improperly, in consequence of the contract having been departed from. The hon. gentleman says, in consequence of the divergence from the contract, the contractor made a large sum of money; but he also told us afterwards that the contractor broke down; that he was not able to pay his men; that he could not pay for the materials on the ground; and that Mr. Tuck had given up this "valuable contract." Then the hon. gentleman says the Government had not called for tenders in re-letting the contract. If they had done so, it would have involved the measurement of the work that Mr. Tuck had done, and a most minute examination would have had to be made, and new quantities would have to be arrived at—all of which would have involved a delay of perhaps a year, before new tenders could have been obtained. The Government, I think, acted wisely and prudently in this, as they have acted on other occasions. A party came forward, a Mr. Kennedy, who offered to take Mr. Tuck's contract on the same terms, and it was given to him. I don't know that he is a friend of the Government, or that there was anything political in the giving of the contract to him, and it is unfair to make such charges unless there is some justification for them. We hear hon. gentlemen using such adjectives as "the high-handed conduct," "the arbitrary and unjust conduct of the Minister of Public Works." There

*Hon. Mr. Scott.*

was no compulsion on the part of the Government to give out this work at all, other than they thought it was a fair and just thing to commence this undertaking. Although Cape Breton had been some what neglected for some years by the late Administration, now the hon. gentleman has all censure for this Government, and all praise for the late Administration, notwithstanding the fact that on several occasions he had brought the subject under the notice of the late Government, who had given it very little consideration. I now come to that history of the case where the contractor broke down. The Government found that Mr. Kennedy was ready to come forward and take the contract just as it stood, and to leave a deposit of \$10,000 in the hands of the Government. The securities were perfectly willing that he should have the contract, and he was to carry it on and finish it on the basis previously agreed upon with Mr. Tuck. Was it, or was it not a commendable action on the part of the Government to accept that proposition? I ask the hon. gentleman whether, under the circumstances, the Government would have been justified in saying "no," and putting it up to tender again? Instead of having any quarrel with Mr. Tuck about quantities, they allowed Mr. Kennedy to step into his shoes; the securities were satisfied to accept him, and the work was proceeded with without interruption. My hon. friend says "yes, but the workmen were not paid!" I confess I am extremely sorry for that; no one more deeply regrets that such an occasion should have arisen than the Minister of Public Works. I know on several occasions he has arbitrarily interfered and taken a part of the ten per cent. deposit made by the securities in order to pay the workmen, although he had no legal right to do so. The sureties and the contractor might very well step in and say it was no affair of the Government's; the Government have no control over the men, and have no responsibility to the men, that they should have stepped out of their true line of administration, in order to go into those details. It was Mr. Tuck that was indebted to those men; they ought to have seen to getting their wages every week regularly. I think it is always desirable, as far as possible, that the Government should see that the men are

paid by the contractors, and not allow any contingency to arise that will prevent them from getting their wages, but in many instances the Minister of Public Works has been perfectly powerless to deal with cases of this kind. He would not have been justified in putting his hand into the public chest, and paying the men who had been working for the contractor. It would be a very improper thing if it were known all over this country that in any public contract the Government would protect the laborer in getting his wages, as it would make the workman less careful to exact his money from his employer, when he knew he could fall back upon the Government for it. The hon. gentleman called attention to several important and valuable improvements that he would suggest in the construction of the canal. For instance, the substitution of stone for wood in the retaining walls, and increasing the length of the lock. If the hon. gentleman had commenced his observations in the fair and reasonable way in which he concluded, then I would not have had occasion to speak as I have done, as the Minister of Public Works is always glad to hear explanations and suggestions about the public works of the country. It is a proper thing for gentlemen who are familiar with such matters to call the attention of the Government to them, so long as those suggestions are conceived in a proper spirit in the interests of the country; and the Government are always willing to entertain them. It is merely a matter of money whether they can be carried out or not, and whether the Public Treasury is equal to the large demands made from time to time upon it. I think the people of Cape Breton are scarcely justified in coming to the conclusion that the Minister of Public Works is actuated by any but the most anxious desire to meet the views of that locality in the carrying out of this work.

## THE FISHERIES OF BRITISH COLUMBIA.

### ENQUIRY.

Hon. Dr. CARRALL enquired whether the papers he had moved for in connection with the Fisheries of British Columbia had been submitted to the House.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT said all the papers connected with that question had been brought down. There had been simply a couple of communications respecting the lease of the fisheries of the Fraser River, and the answer of the Department had been that the Government were not in a position to adopt any definite policy with respect to the fisheries of British Columbia until they had had further information respecting them.

## PUBLIC ACCOUNTS AUDIT BILL.

### THIRD READING.

Bill 53, "An Act to provide for the better auditing of the Public Accounts," was read the third time and passed.

## INDEPENDENCE OF PARLIAMENT BILL.

### HOUSE IN COMMITTEE.

Hon. Mr. SCOTT moved the House into Committee of the Whole on Bill (14), "An Act to amend the Act respecting the election of members of the House of Commons."

In the Committee, Hon. Mr. Dixon in the Chair.

On the 1st clause, "No person holding an office of emolument under the Government of Canada, or of a Province, to be a member of the House."

Hon. Mr. BELLEROSE objected to this provision, as it would exclude retired judges and other persons from holding seats in the House, who would be eminently fitted to serve their country in such a capacity. For instance, Mr. Langton, the Auditor-General, would be a very valuable addition to the House of Commons, if, after he had retired on his superannuation allowance, a constituency should choose him as their representative, but under the provisions of this Bill he would be disqualified as a candidate.

Hon. Mr. ALLAN said he had given notice, when the Bill came up for second reading, that he would move in Committee to strike out the second part of the first clause.

Hon. Mr. SCOTT said the principal argument he could adduce in favor of its retention, was that, so far as the Civil Service was concerned, no member of it was supposed to be allowed to retire on superannuation allowance as long as his physical and mental powers were sufficient for the discharge of his duties, even though he had passed the age of sixty-five years. If a Civil servant had retired on a pension on the ground of ill-health, and his health should subsequently be restored, he thought the country would be entitled to call upon such person to return to his duties, and not continue to be an unnecessary burthen on the public revenue. In the event of any amendment being made to the Bill, he thought it would be inexpedient for this House to disturb any part of it affecting the position of the House of Commons. He would regret if the House of Commons should think proper to disturb, or advise the disturbance of any conclusion that this House should reach with reference to itself, and in the same spirit he thought the Senate should not interfere with the clauses affecting members of the other House.

Hon. Mr. AIKINS said the House of Commons had not thought proper to confine themselves to that rule.

Hon. Mr. SCOTT said the House of Commons knew very well that the Senate had to pass on the clauses affecting it, and that they were satisfied this House would not allow them to make any changes in their constitution without it was acceptable to this Chamber.

Hon. Dr. CARRALL said the hon. Secretary of State could not point to a single instance in the history of the Senate where they had in any shape attempted to interfere with the qualifications of members of the Commons.

Hon. Mr. ALLAN said he could not see much force in the argument of the Secretary of State in favor of excluding retired Civil Servants from the Commons. In many of the public offices the duties were so heavy, and they were such a tax upon the energies and health of the persons who occupied them, that they were obliged in some cases, to retire from the

*Hon. Mr. Scott.*

service after a few years. It did not follow that with comparative rest the health of such a person should not be sufficiently restored to enable him to discharge the duties of a member of Parliament, although not enough to resume his labors as a civil servant. With regard to the suggestion which had been thrown out by the hon. Secretary of State that the Senate should confine themselves to the clauses of the Bill affecting their own seats, his own inclination would be to follow that course, although he did not think the Government could claim it at their hands, after introducing the Bill and carrying it through the other House, without any previous consultation with the Senate.

Hon. Mr. SCOTT—The Bill would be effete until it had our approval.

Hon. Mr. ALLAN said with regard to clause ten, "Members of the Senate not to hold certain offices or become contractors," the amendment which he proposed was to strike out the first portion of the clause that declared no member of the Senate shall be capable of holding any office, commission, or employment that would render any person incapable of being elected to the House of Commons, and retaining the second part of the clause relating to contracts or agreements. He should prefer to strike out the whole clause, and, if necessary, a short Bill could be introduced in this House declaring that no one having a contract or agreement with the Government of the day should be eligible to a seat in the Senate. By this means they would establish the point that the House of Commons had no right to legislate for the Senate in the way they had attempted to do.

Hon. Gentlemen—Hear, hear.

Hon. Mr. TRUDEL said that the right of this House to interfere with the qualifications or disqualifications of parties elected to the Commons should be limited only so far as it did not interfere with the rights of the people. He did not consider, for instance, that the other House would be justified in enacting a law that would exclude any class of citizens, lawyers, doctors or any other class, from the

Commons, nor should the Senate be permitted to force upon the other House a measure to exclude any particular class from being appointed members of the Senate. He contended that a retired Civil Servant should be eligible as a candidate for a seat in the Commons, as his superannuation allowance was paid to him out of savings from his own salary, and why should a qualification be required from him that was not required from members of any other class of the community? He believed that the people should be limited in their choice of representatives as little as possible, as it was well known that the number of persons qualified to fill such positions was comparatively small even in England, and to a much greater degree in a young country like Canada. There could be no good reason advanced why the country should not avail themselves of the services of retired judges who had the ability and training that were necessary to wise legislation. He objected to this clause, and hoped it would be modified.

Hon. Mr. SCOTT said he desired to make a proposition to the House. If the Senate were disposed to accept the clause relating to the House of Commons, he would undertake to strike out the clause affecting the Senate, and introduce a new Bill in the Senate which could be discussed, subject, of course, to such changes as the majority in this House might think proper, and it could then go down as an original Bill to the other House.

Hon. Mr. CAMPBELL said he did not think that this proposition would meet the circumstances in which the two Houses were now placed. If the Government had taken that position originally, and had left out all reference to the Senate in this Bill, they would have been in a better position to make the suggestion, and this House would have been in a better position to adopt it. It seemed to him that the qualifications or disqualifications of members of the Commons were not to be settled by the Commons, but by Parliament—both Houses. It was as much the duty of the Senate as it was of the Commons, to see that the choice of the people was not unnecessarily limited, or in a way that this Senate thought it ought not to be limited, or so as to interfere with

*Hon. Mr. Trudell.*

the proper discharge of the public duties of such men as the Dominion offered. The clause which his hon. friend from York had proposed to strike out, did limit that choice in a way that was prejudicial to the public interests, and he did not think they could get rid of the difficulty by the proposition which the hon. Secretary of State had made, as he considered it would be an abnegation of the functions of this House, which it was necessary, in the interests of the country, they should discharge.

Hon. Mr. DICKEY said he was very glad to hear the suggestion of the Hon. the Secretary of State, because it was quite evident that upon reflection he had come to the conclusion that by this Bill they had no constitutional right to interfere with the qualifications or disqualifications of Senators. But the hon. gentleman had suggested that they should bargain for that by allowing the clause with respect to the qualification of members of the House of Commons to stand. There was just this distinction between them and the Commons; that by the Constitution the Commons had clearly no right whatever to legislate on or send up a Bill like this to the Senate; but it was otherwise with regard to the qualification of members of the House of Commons as would be seen by section 41 of the British North America Act:—

“Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the Union relative to the following matters, or any of them, namely:—The qualifications and disqualifications of persons to be elected, or to sit, or vote as members of the House of Assembly or Legislative Assembly in the several Provinces; the voters at elections of such members, the oaths to be taken by voters, the Returning officers, their powers and duties, etc.”

All these were left to the Parliament of Canada, not to the House of Commons, or one particular body. They were now called upon after the expiration of ten years, after this subject had been legislated on, and asked for the first time to adopt this principle of excluding from Parliament persons who were in receipt of pensions or superannuation allowances from the Government. The whole clause was open to very serious objection; by it they were asked to restrict the power of the people to select their representatives.

Hon. Mr. KAULBACH—Hear, hear.

Hon. Mr. DICKEY said any person who asked the Senate to do that should give some strong and overwhelming reasons why they should do so. Such reasons he had not heard, and did not expect to hear. The principle upon which they excluded from Parliament persons holding office or receiving money from the Government was that they were supposed to be subservient to the Crown, and in order to protect the people from such influences they were made ineligible to sit or vote in the Commons. But that principle could not apply to persons who received their allowances by Act of Parliament over which the House of Commons or the Government of the day had not the slightest control.

Hon. Mr. KAULBACH said he could not see any necessity for this Bill at all until some occasion should arise for it. There was no House more jealous of its independence than the British Parliament, yet they had not attempted to go as far as the Bill now before this House would go, and the Government had failed to show any necessity for this legislation. He did not see why people should be deprived of their rights by limiting their choice in selecting their candidates. In many places the choice was not very large, and he believed retired judges or superannuated civil servants should be allowed to sit and vote in Parliament if it was the desire of the people that they should do so.

Hon. Dr. PAQUET—I regret not being able to concur in what has been said by my hon. friends from Kingston, from De Lanaudiere, and from De Salaberry, particularly with respect to retired judges. I think that clause in the Bill which forbids their return to public life, that is to say their sitting in the House of Commons, should be retained. This House will understand how much the independence of the Bench will be threatened, and to how great a loss of prestige in the eyes of the public the judges will be exposed when it becomes known that after fifteen years' service, while still in the prime of life, they may be elected to the House of Commons, and still draw two-thirds of their former salaries. Instead

*Hon. Mr. Dickey.*

of being deemed to have become, on their elevation to the Bench, independent for life of all political connections, they will be suspected of paying court to a political party which they aspire to serve again at a given time; and the tendency of this will be to diminish considerably the prestige of the justice they are called upon to administer. It is alleged that the liberties of the people must not be restricted; but does not the law already keep judges at a distance from the electoral arena by refusing to them the right of voting? And do we not see from that how necessary it is to keep them continually outside of the political sphere? In my opinion, that clause of the ministerial measure ought to be maintained, and I shall vote accordingly.

Hon. Mr. POWER said he was very sorry that when the hon. Secretary of State had expressed his willingness to accept the suggestion of the hon. gentleman from York, to strike out that part of the Bill affecting the Senate and introduce a new Bill, the hon. Senator should have changed his mind.

Hon. Mr. ALLAN said he had not suggested it.

Hon. Mr. POWER said that he was so understood. In England, each branch of the Legislature was supposed to be the best judge of the qualifications of its own members. It had been asserted during this debate that by this Bill they were limiting the choice of the people. But he did not think that that was a very forcible reason why they should reject this section. He thought that when civil servants retired from their duties on superannuation allowances, owing to age or infirmity, they were not, as a rule, the kind of men to become members of the House of Commons; as he thought the life of a member of the Commons was very much more prejudicial to health than the duties of a civil servant. As a general rule, it might be assumed that a man who was too old and infirm to act as a clerk in the public offices was not just the man to send to the House of Commons. The hon. Senator from York had also given as a reason for not adopting this principle that it had been departed from in England; but it must be remem-

bered that the English House of Commons contained 600 members while ours had but 200; and even if there were no difference at all in the tone of public life in the two countries, that difference in number was something that ought to carry weight.

Hon. Mr. CAMPBELL—There is a difference in population also.

Hon. Mr. POWER said there was much more danger to be apprehended from half a dozen men who were not independent in a House of 200 than from three times that number in a House of 600. The object of this Bill, as the name implied, was to render members of Parliament independent of the Government. Was a retired civil servant in receipt of a pension as independent of the Government as a member should be? Under the statute of 1870 the Government had power to recall any person who was receiving the superannuation allowance, who had not passed the age of sixty years; or, if he refused to comply, to stop his allowance. Could it be said that such a man would be independent, when the Government could at any moment compel him to vacate his seat or forfeit his allowance? Retired officials should be treated exactly in the same way as active officers—they should be obliged to relinquish Government pay before becoming candidates for parliamentary honors. There could be no hardship in requiring a man to choose between the House of Commons and a pension. The objection to allowing judges to enter into the Legislature was still stronger. We boast now, with truth, that our judges cease to be partisans when they ascend the Bench. Being removed from the arena of politics without a prospect of returning to it, they cease to be influenced by political considerations, and their decisions command respect. But if, after fifteen years service, a judge may retire on a pension and re-enter public life, the effect must be injurious. Suppose that judge, before retiring from the Bench, to be called upon to try an election case, would it not be natural to suppose that his leanings would be with the candidate who belonged to his own party, and would not public confidence be shaken in his decision? In a recent election case tried in the Supreme

*Hon. Mr. Power.*

Court, although there was no inducement for the judges to decide otherwise than fairly, yet, because some of them had been politicians, they were charged with having been influenced by political considerations in rendering their decision. Suppose a case were to come before a judge who not only had been in public life, but was likely again to enter the political arena, would not confidence be shaken entirely in the Bench? As the law now stood, a judge who felt desirous of entering public life, could resign his position. He thought it would be unwise to adopt this amendment.

Hon. Mr. BELLEROSE believed the arguments of his hon. friend from Halifax were not sound. If he desired to have impartial judges, Parliament should legislate in such a way as to prevent the Government from appointing members of the Cabinet from the Bench. If there were complaints about the Supreme Court to day—and he believed there was justice in those complaints—it was due to the fact that some of its members had been taken from the Treasury Benches. The result of such decisions as the one lately rendered by the Supreme Court, would be to destroy public confidence in that tribunal. As to the objection that an official who had been superannuated might be recalled into public service, he saw no danger in such a thing, at all events while the present Government was in power. The truth was, the difficulty had been the other way. Comparitively young men, full of life and vigor, had been forced to accept superannuation; but no man who had once been superannuated, had ever been forced to return to his duties. The late Government, on appointing a Commission on the debt of Ontario and Quebec, had named Judge Dey as one of its members, and that gentleman was admirably qualified for the position. Now, supposing the people had confidence in Judge Dey, and desired to send him to the House of Commons, should it be said that they ought not to be allowed to select him as their representative, simply because the Government might call upon him to fulfil some duty? The objection raised by the hon. Senator from Halifax, that because Judges were called upon to decide election cases, therefore they should not be allowed

to enter public life, only served to show that the system of trying controverted elections by Judges was bad in itself. Experience had proven it was no better than the old system. If there had been party feeling in Parliamentary Committees, there was also party feeling on the Bench. The difference was, no scandal arose when the committees decided election cases, while it was a very great scandal indeed that the judiciary should be accused of partiality. He repeated, without hesitation or qualification, that the public were losing confidence and respect in the judiciary, in consequence of the political bias that had been shown lately in deciding some election cases.

Hon. Mr. PENNY said the remarks of the hon. gentleman who had just sat down served to show very pertinently the impossibility of passing the Bill as it stood, in that part relating to the judges. As to the ordinary civil servants, it was a matter of very little consequence whether the Bill was amended or not. As a class they were not very much known to the people outside the service, and he thought it would be a very rare case, indeed, where a civil servant would wish to go into public life after being superannuated, or that, if he desired it, he would have an opportunity of doing so. He thought it right that retired civil servants should be excluded from Parliament. The remarks of the hon. Senator (Mr. Bellerose) upon the decisions of judges only showed the impossibility of rendering a decision which would give satisfaction to all parties. In the Province of Quebec it was a common saying that "every pleader who lost a case had the privilege of imprecating the court for twenty-four hours after it." Suppose one of those judges that the hon. Senator believed were influenced by a party feeling, was about to retire from the bench on a pension, with the intention of running as a candidate for some county, would not that be a great scandal? Nothing could be more scandalous. It was one of those extreme cases that was not likely to occur, but it was precisely to avoid anything of the kind that it was desirable to prevent it. As an hon. gentleman opposite had remarked very justly, so far as principle is concerned, it was not desirable to limit the choice of the electors unnecessarily. The whole question turned

*Hon. Mr. Bellerose.*

on what might be considered "unnecessarily." To his mind what he had mentioned was one of the cases in which a limitation of the choice of the people was necessary.

Hon. Mr. BELLEROSE said the remarks he had made with respect to the judiciary, expressed not only his own views, but the views of a great many people who had viewed with pain the growing distrust in the judiciary. Lately in the Province of Quebec a judge had decided a case on certain evidence against the successful candidate, and a few days afterwards a similar case in which the evidence against the successful candidate was not only similar to the evidence against the other, but was even stronger, in the opposite direction. It was when such glaring injustice as this was perpetrated, that the public confidence in the judiciary was diminished. If such judges wished to preserve their self-respect, and the respect of the public, there was but one course open for them and that was to enter into public life, and openly declare themselves in favor of the party of their choice.

Hon. Mr. MACPHERSON thought whoever had listened to what had been said by the last two or three speakers, must regret that the duty of trying election cases had ever been assigned to our judges. He ventured to say had that not been done, the bench would never have been spoken of in Parliament as it had been in this debate, to which he had listened with great regret. Until our judges had presided at election trials, no question had ever arisen as to their politics, after they had ascended the bench. He was not prepared to say they could be charged with political bias now; on the contrary, as far as Ontario was concerned, he believed no such charge was well founded.

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON — But there could be no question the tendency of assigning such duties to judges, would be to keep alive in their minds the same political feeling which might possess them before they were placed on the bench. In listening to the remarks of some hon.

gentlemen, one would have supposed that the object of this Bill was to qualify judges who had retired on superannuation to enter Parliament. No one would suppose that the change which was proposed was one to prohibit their entering Parliament. Had such a case ever occurred? He was not aware of one; on the contrary, he believed none had ever occurred, and he wished to know what necessity there was for such legislation?

Hon. Mr. PENNY—We do not want it to occur.

Hon. Mr. MACPHERSON thought if there was any reason, it should be given. Throughout the whole country there could never be half-a-dozen retired judges who would be possessed of the health and strength requisite for public life. The great objection to a measure of this kind was that it limited the choice of the people. If a retired judge or a superannuated civil servant retained the health and strength necessary to serve the people in Parliament, why should not the people be allowed to elect him? All those limitations were in the wrong direction. He thought the abolition of dual representation had been an evil. The effect was to restrict the choice of the people and place the Local Legislatures in the hands of men comparatively inferior to those in the House of Commons. But for that limitation a higher class, intellectually, would go the Local Legislatures. He would regret very much to see that limitation carried further, and for that reason would vote for the amendment of the hon. Senator from Toronto.

Hon. Mr. DICKEY regretted this question of the judges had been imported into the discussion, and he thought the Government must share in his regret that it had been introduced by the hon. Senator from Halifax.

Hon. Mr. POWER—I said nothing against any judge.

Hon. Mr. DICKEY said the hon. gentleman had distinctly laid down the proposition that a judge sitting on the bench and trying an election case might be influenced by the fact that he might in the

*Hon. Mr. Macpherson.*

future be a candidate himself. The hon. gentleman used that argument with the full knowledge that three *ad hoc* judges had been appointed in Nova Scotia to try election cases, and those three judges had subsequently been appointed by this very Government as judges of the land in three different courts. The argument was an extremely unfortunate one, because the conclusion to be drawn from it was that these *ad hoc* judges must have gone on the Bench influenced by party feeling, which would necessarily arise from trying election petitions. With singular inconsistency, the hon. Senator, in another portion of his argument, had stated that a judge who went on the Bench was supposed to be removed from politics, entirely impartial and unprejudiced. In this the hon. gentleman was right; but, having got a judge in this position, he thought after fifteen years of service on the bench, he should be disqualified for life in Parliament.

Hon. Gentlemen—Hear, hear.

Hon. Mr. DICKEY said the hon. gentleman had quoted a section of the Superannuation Act to show that a retired civil servant could be called back to the service by the Government, and this had been referred to as something unprecedented; although there were scores of half-pay officers in the House of Commons of England, all those men could be called back to their duty, and possibly might be so recalled this very year by the Government. Yet, no one ever made that an objection against them. The hon. Senator from Halifax used another argument—that, in England, all matters with respect to the qualification or disqualification of persons fitted to sit in the House of Commons, were usually referred to that House itself to decide. The hon. gentleman seemed to be unaware, or to have forgotten, that the Reform Bill which dealt with the questions, not only of the proper candidate for election, but electoral districts, and qualifications of electors, had been time and again rejected by the House of Lords; and since the crisis in the constitutional history of Great Britain, in 1832, every bill dealing with the qualifications of members of the House of Commons had been sent to the House of Lords, and very often amended.

Hon. Mr. MILLER—Always amended.

Hon. Mr. DICKEY—Otherwise it would have been a perfect farce to send it to the House of Lords as it would be to send this measure to the Senate if they had no power to amend it. The argument which he (Mr. Dickey) had drawn from the 41st section of the British North America Act had not been met, and it appeared to him the argument he had drawn from it was irresistible.

Hon. Mr. TRUDEL thought the argument of the hon. Senator from Halifax, that each House should be the best judge of the qualifications of its own members, was a sound one, but no one would venture to say that a retired judge or a superannuated civil servant, was unfit for public life. The question was whether it would be in the public interest that a man who had occupied a seat on the bench, or been an officer of the Government, should represent a constituency in Parliament. Regarded in this light, it became a question of public interest which the Senate had a right to consider. The strongest reason which had been urged against permitting a retired judge from becoming a candidate for Parliamentary honors, was that a judge who was about to retire, perceiving that he might enter into politics again, might not be impartial in trying election cases. There was something in that; but was there not a stronger objection to placing an active politician upon the bench, and, very soon after his appointment, calling upon him to decide an election case arising out of a general election in which he had, himself, been engaged? Fifteen years was a long period, and the judge whose labors on the bench had extended over that term, might, if he desired to return to public life, find among his allies the opponents of former years. If a retired judge should be excluded from politics, why not exclude all judges? Why allow a wealthy judge to descend from the bench and enter the political arena, while the judge possessing more limited means, was excluded? The fact that half-pay officers were admitted into the British Parliament, had been mentioned. In all the European countries, officials similar to deputy-heads of departments here, held seats in the Legislatures, although they held no Cabinet

Hon. Mr. Dickey.

positions, and were paid salaries like other civil servants. He thought it would be a decided advantage if the same system were adopted here, because the deputy-heads of the departments would be familiar with details of the Public Service, and could furnish valuable information in the debates of Parliament.

Hon. Mr. REESOR thought it undesirable for a Judge to enter into public life. Was it desirable that other officials in the employ of the Government should take part in politics? He thought not. The knowledge of the fact that they could, after retiring from the service, enter into public life, would stimulate them to take sides in politics during the time they held office. This would be very objectionable and would produce a state of affairs similar to that existing in the neighboring country where it was found necessary at every change of Government to dismiss all the officials appointed by the preceding Administration. Under our system of Government both parties were desirous of preventing the introduction of such a principle, and the only way to succeed in it would be to discourage civil servants from taking part in politics. In fact, he believed himself, that they should not be allowed to vote at all. He would, therefore, vote for the Bill as it stood.

Hon. Mr. MILLER said it was the practice under our system of Government to make laws to remedy abuses as they arose. They were not made to meet speculative cases, but only when experience had shown the necessity for them. He would like to know if a case had ever arisen, in the history of this country, where a superannuated servant of the Crown had ever held a seat in the House of Commons. Certainly none had occurred since Confederation, and he was not aware of any having arisen before it. Where, then was the necessity for this legislation? He thought it unwise for Parliament to curtail or limit the selection of the people of the representatives they desired to serve them in the House of Commons. It had been well said that it was inpolitic in a new country like this, where no class of men make public life a specialty, to limit the choice of the people by any legislation which was not shown by experience to have become an actual

necessity. He would like to know what reasons had induced the Government to attempt this legislation. Were there any superannuated Civil servants who might probably take a seat in Parliament next Session, and was it desired to exclude them? During the past four or five years men perfectly competent to discharge their duty had been superannuated to make room for the hangers-on and place-seekers of the Government. Were the Government afraid that those men might appear in Parliament next Session and denounce the injustice perpetrated upon them and the injury inflicted on the public service? Legislation of this kind was never attempted except to meet given circumstances, and he could conceive of no other reason for it than the one he had given. He knew two or three instances where superannuated servants of the Crown were very likely to seek and receive the confidence of constituencies, and, if elected, he believed they would be valuable members of the Commons. Instead of keeping them out, he believed Parliament should be disposed to facilitate their entry into public life.

Hon. Mr. HAYTHORNE said, under any ordinary circumstances, he should be reluctant to interfere with or criticize very closely a measure from the House of Commons to regulate the election of its own members. He quite admitted that circumstances might arise in which such interference would be necessary, as in the case of the Bill which affected the election of representatives to the House of Commons from the Province of Prince Edward Island. In that case, the Senate had interfered with excellent effect, and he should always be grateful to this House for their action on that occasion, because it had saved from destruction the political franchise of a large portion of the population in the Province from which he came.

Hon. Gentlemen—Hear, hear.

Hon. Mr. HAYTHORNE (continuing)—But in the present case he could not see anything which would justify this House in amending the Bill. The hon. Senator from Arichat clearly anticipated that superannuated civil servants would, at no distant day, become candidates for

seats in the House of Commons. He (Mr. Haythorne) deemed it highly inexpedient that a man who had been a subordinate of a Minister of the Crown should occupy such a position. After a certain term of service, he could claim his superannuation. There might be doubts as to the propriety of that claim, and Ministers were sometimes accused of undue favoritism, or other improper motives, in superannuating public servants. It would be highly improper, under such circumstances, that the quondam public servant and the Minister should meet each other face to face, a few months afterwards, on the floor of the House of Commons. They might meet as leader and political follower, or they might meet as opponents, but in either case, it would be most unbecoming that they should meet in the House of Commons at all. There might be most unpleasant contrasts drawn between the administration of the Department in which he had been employed, under different Ministers, or in the conduct of that identical Minister at different periods of his own career, and such contrasts would be exceedingly out of place on the floor of the House of Commons. It was undoubtedly true that the choice of the people should be limited as little as possible, but this limitation could do no harm, because, as the hon. Senator from Richmond had admitted, no case had ever arisen where a retired judge or superannuated civil servant had been elected to the House of Commons.

At six o'clock the Speaker left the chair.

AFTER RECESS.

Hon. Mr. HAYTHORNE resumed his speech. He said:—While the accession of retired judges or superannuated civil servants to the House of Commons might be useful in some respects, if a civil servant should be hurried from his Department or a judge from the Bench to defend a Minister who seriously needed that defence, it would be in the last degree objectionable. The hon. Senator from Richmond had contended that it was unnecessary to anticipate difficulties. In that view he (Mr. Haythorne) could not concur, and is seemed to him the condition of the House of Commons last

Hon. Mr. Muller.

year was an example of the want of direct and suitable legislation as to the position of hon. members of that House. He was aware of cases in which the representatives of the people felt themselves in an equivocal position—not from anything they had recently done, but from having been members of companies which had existed for years before they became members of Parliament, and which had received money from the Government for work done—yet they felt themselves in a critical position, and one hon. gentleman had actually divested himself of his property in consequence of the position he occupied in the House of Commons. It was deemed desirable, and very justly so, that the status of members should be defined by the law, and that the Act should declare who should be members of the House of Commons, and who should not. It would be better to anticipate evils than to await them. To show the light in which this question should be viewed, and the duty of the Legislature to anticipate every occurrence which was likely, or even unlikely to happen in the course of legislation, he would quote from an author of a former time, who had a high reputation in his day—Sydney Smith, the well-known essayist. In his review of Bentham's works, Sydney Smith made these remarks:—

“The object of laudatory personalities is to effect the rejection of a measure on account of the alleged good character of those who oppose it, and the argument advanced is, ‘The measure is rendered unnecessary by the virtues of those who are in power,’ their opposition is a sufficient authority for the rejection of the measure. The measure implies distrust of the members of His Majesty's Government, but so great is their integrity, so complete their disinterestedness, so uniformly do they prefer the public advantage to their own that such a measure is altogether unnecessary. Their disapproval is sufficient to warrant an opposition; precautions can only be requisite where danger is apprehended, (and I hope the hon. gentleman from Arichat will note this). Here the high character of the individuals in question is a sufficient guarantee against any ground of alarm.”

Then follows Sydney Smith's comments in these words:—

“The panegyric goes on increasing with the dignity of the lauded person. All are honorable and delightful men. The person who opens the door of the office is a model of approved fidelity; the junior clerk is a model  
*Hon. Mr. Haythorne.*

of assiduity; all the clerks are models—seven years models, eight years models, nine years models, and upwards—the first clerk is a paragon, and ministers the very perfection of probity and intelligence; and as for the highest Magistrate, no adulation is equal to describe the extent of his various merits. . . . The effect of such an argument is to give men of good or reputed good character, the power of putting a negative on any question not agreeable to their inclinations.”

Then follows another extract from Bentham, to which I beg the attention of the House, because the views it expresses seem directly opposed to those of the hon. member from Arichat:—

“In every public trust, the Legislature should, for the purpose of prevention, suppose the trustee disposed to break the trust in every imaginable way in which it would be possible for him to reap from the breach of it, any personal advantage. This is the principle on which public institutions ought to be formed, and when it is applied to all men indiscriminately it is injurious to none. The practical inference is to oppose to such possible (and what will always be probable) breaches of trust, every bar that can be opposed consistently with the power requisite for the efficient and due discharge of the trust. Indeed, these arguments, drawn from the supposed virtues of men in power, are opposed to the first principles on which all laws proceed.”

He (Mr. Haythorne) could see no ground for opposing this Bill, and he would be happy to support it, reserving to himself the right to act in the future as circumstances might dictate. He concurred in the remarks of the hon. Senator from Amherst with respect to the reflections cast upon judges. This House was not the place in which such criticisms upon the conduct of judges on the bench should be made. If any member of Parliament thought a judge had acted improperly, he could bring up the question in a formal manner, and if his charges were sustained, the judge might be removed at the option of both Houses. That was the legitimate and only way by which the action of judges could be assailed in this House, and in his humble judgment it was a practice that would be more “honored in the breach than in the observance.”

The Committee divided on the amendment which was adopted:—

Contents, 38.

Non-contents, 20.

Hon. Mr. MILLER moved to amend section "C" by striking out the words "Clerk of the Peace." In Nova Scotia a clerk of the peace was an officer appointed either by the Sessions or the Custos of the county. He was a county officer whose duty was merely of a clerical character, and there was no reason why he should be made ineligible to be elected a member of the House of Commons. It was true the electoral lists were filed in his office, but he had no judicial or other duty to exercise in regard to them, except to furnish copies of the lists to those who might desire them. The only control over the lists was with the revisers, and if any class of county officials should be disqualified, they should. By way of illustration, he might mention that in a certain county in the Province of Nova Scotia, a gentleman who had been reviser during the last year was to be a candidate at the next general election for the House of Commons, and he had made an attempt in revising the list in his own county, to add five hundred names. This occurred in the County of Cape Breton, and he had been credibly informed that the reviser would be a candidate in the Government interest at the next general election. The other two revisers refused to add the names, and when they did so, he took the lists away in his pocket, and they were obliged to get other lists to complete the duty of revising. The electoral lists in Nova Scotia were made up by officers of the Local Government for the local elections, and the elections for the House of Commons were also run upon them. He could not understand why a clerk of the peace, who was merely the custodian of those lists, which were matters of record, and about which there could be no falsification, should be rendered ineligible for an election. A gentleman in King's County, Mr. Chipman, who had formerly been a member of the House of Commons, had written to him (Mr. Miller) to say that he believed this clause was a blow struck at him. Mr. Chipman was a clerk of the peace in King's County, and he was likely to be a candidate at the next election; and his statement was that his opponent had written down to Nova Scotia that he (Mr. Chipman) would have to sacrifice his office if he wished to run for election. He did not think this House would allow such

*Hon. Mr. Miller.*

special legislation to be aimed at anybody.

Hon. Mr. SCOTT said the gentleman to whom reference had been made, considered himself of more importance than others did. It was the first time he (Mr. Scott) had ever heard that this clause was intended to strike at him specially. In Ontario and Quebec, clerks of the peace were appointed by the Local Government, and in Ontario they were, practically, the county attorneys; so that, as far as this legislation was concerned, it was directed principally to the larger Provinces, inasmuch as it was very objectionable so important an officer of the Local Government as the county attorney should be permitted to become a member of Parliament. He was rather inclined to believe that they were excluded by the present law quite as much as a sheriff or registrar would be, and the reason would be very much greater, inasmuch as clerks of the peace had more or less to do with the final revision of the roll. The ground, however, on which such officials were excluded was that they were officials of the Local Governments.

Hon. Mr. CAMPBELL said in that case the amendment of the hon. Senator from Arichat would have the effect of excluding the Crown County Attorneys in Ontario, while the Clerks of the Peace in Nova Scotia would be eligible.

Hon. Mr. SCOTT--That would be an absurd anomaly.

Hon. Mr. CAMPBELL thought not; because in Ontario the Clerk of the Peace was an officer of the Crown, while in the Maritime Provinces the Clerk of the Peace was not appointed by the Government, but by the Custos, and removed by the Quarter Sessions of the Peace.

Hon. Mr. DICKEY concurred in the opinion of the hon. Senator from Arichat. The Clerk of the Peace in Nova Scotia was a purely local officer. If he were to be excluded, where was it proposed to stop? The Clerk of the Peace, in regard to the electoral lists, had no function whatever except mere copying. He had nothing in the wide world to do with the preparation of the lists; yet the officers

who did prepare them, by a strange inconsistency, were not excluded.

Hon. Mr. POWER thought while it would be wrong to legislate to exclude any individual, on the other hand it would be wrong to make exemptions to allow certain individuals to become candidates. He thought it improper that a man who had complete charge of the electoral lists for months, should be allowed to become a candidate under those lists. There was no security at all that he would not tamper with the lists. It was too much temptation for human nature. He thought if there was any officer mentioned in this section who ought not to be a candidate, it was the Clerk of the Peace.

Hon. Mr. MACFARLANE thought if there was any local officer who should be excluded, it was the assessors. The Clerk of the Peace had no opportunity, even if he were so disposed, to tamper with the lists, because he would be liable to prosecution. The reviser had a great deal of power, because if he struck a name off the lists, it was almost impossible to get it on again.

Hon. Mr. MILLER said it would be impossible for a Clerk of the Peace to tamper with the lists and conceal the fact, and it would be an offence which would inevitably subject him to the severest punishment. No one who would aspire to a seat in the House of Commons would think of perpetrating such a crime. If any officers were to be disqualified it would be the Assessors and Revisers: because they had more control over the lists than the Clerk of the Peace. He saw no reason in the public interest why the Clerk of the Peace should be disqualified, and he hoped the Committee would adopt the amendment.

Hon. Mr. DICKEY said it was a most improbable supposition that a Clerk of the Peace would tamper with the lists after they were placed under his charge. This law, which would exclude the Clerk of the Peace, made no reference to the Custos, who was appointed by the Local Government, or the Assessor and Reviser who had judicial functions with respect to the electoral lists.

Hon. Mr. KAULBACH said when  
*Hon. Mr. Dickey.*

this Bill had been first introduced in the House of Commons it contained no reference to the Clerk of the Peace. It was inserted at the suggestion of a party in the other House who knew well it would disqualify a popular candidate who was likely to oppose him in the coming election. It was also well known that this same member had sent down to Nova Scotia and proclaimed in the County of Kings that Mr. Chipman was disqualified. He would be very sorry to see either the Clerk of the Peace or the Custos disqualified; but if one were disqualified both should be, and also the Revisers and Assessors.

Hon. Mr. WILMOT said there were many Clerks of the Peace in New Brunswick qualified to be members of Parliament, and he could see no reason why the people should not be permitted to choose them as their representatives. The Revisers' lists were distributed in such a way that it was impossible to falsify them. He considered this anything but a liberal principle. It was a singular fact that the so-called Liberals had become the champions of restrictive measures.

The Committee divided on the amendment, which was adopted:—

Contents, 37.

Non-contents, 18.

On the tenth clause

Hon. Mr. ALLAN moved to amend the clause by striking out from "Senate," in line 37, to "shall," in line 41, and after "contract," to insert "or."

Hon. Mr. DICKEY said there was a very important principle embodied in this section, which concerned the privileges and immunities of this House. With regard to the part proposed to be struck out, he took it for granted there would not be the slightest objection to it, for the reasons which had been stated in so lucid and exhaustive a manner by his hon. friend before going into committee. It might be mentioned that the effect of this clause, had it been the law of the land a short time ago, would have been to prevent a gentleman from accepting a position which he had well and faithfully

filled some two years ago, in representing this Dominion at the Centennial Exhibition. Whether that gentleman patriotically gave his services gratuitously or not, was not a question to be considered; this clause would have prevented him, or any other gentleman in this House, from holding that position. He (Mr. Dickey) went further in his objection to this clause than any other gentleman who had spoken upon it. It was contrary to our Constitution to legislate in a way affecting the tenure of office of members of the Senate. By the British North America Act, section 23, the qualifications and disqualifications of Senators were strictly defined; and it was further provided by another section that the Senate was made the sole judge of these qualifications and disqualifications. With regard to the House of Commons, the British North America Act provided that Parliament was to fix the qualifications and disqualifications of members of that body. The members of the two branches of the Legislature held their offices by an entirely different tenure. The Senators held their offices for life; they were not hereditary, but they were made as fixed as they possibly could be. The 31st section of the British North America Act mentioned the disqualifications of a Senator to be: absence from Parliament for two consecutive sessions; the taking of an oath of allegiance to a foreign power; if he became bankrupt, or was attainted of treason, or convicted of felony, or if he ceased to be qualified in respect to property. Then the 33rd section provides: that if any question arises respecting the qualification of a Senator the same shall be heard and determined by the Senate and the Senate alone. It was a curious fact in reference to this subject that the tenure of office of the Legislative Councillors in the Province of Quebec was entirely similar to that of the Senate, and if by any legislation, or by any precedent of legislation, this House affected the qualification or disqualification of Senators, they equally affected those of Legislative Councillors in the Province of Quebec, because, by the 73rd section of the Act it was provided that the qualifications of the Legislative Councillors of Quebec should be the same as those of the Senators for the Dominion. Following out the complete

*Hon. Mr. Dickey.*

analogy between the two cases, the 76th clause provided: "If any question arises respecting the qualification of the Legislative Councillors of Quebec, or a vacancy in the Legislative Council of Quebec the same shall be heard and determined by the Legislative Council.

Hon. Mr. SCOTT said this Bill did not strike at the qualification at all.

Hon. Mr. DICKEY said there was no doubt if this legislation should in any way affect the qualification of Senators, it necessarily affected the qualifications of the Legislative Councillors. He had already called the attention of the House to the fact that while they were under a written Constitution, and had secured to them their tenure of office, they had the qualifications and disqualifications of Senators for that office distinctly defined, and that the Senate alone was to be the judge of those qualifications. With regard to members of the House of Commons, it was entirely different. There was no qualifications there defined for them, except the qualifications which had existed in the several Provinces at the time of the Union, and power was given to Parliament, at any time, to alter the tenure of the members of the House of Commons; but there was no such provision with regard to Senators; as their tenure rested upon the Act entirely, and could not be affected by any legislation originating in the House of Commons. But the hon. Secretary of State had suggested that this Bill did not affect the qualifications of Senators. One of the provisions of this Bill, however, was to make Senators liable to a penalty of \$200 a day, if any person being a member of the Senate should become a party to or concerned in any contract or agreement with the Government. The hon. Secretary of State had suggested that this Bill did not affect their qualifications, but only subjected them to a penalty.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. DICKEY—The Bill proposed to make it penal for a Senator to take his seat in this House under certain circumstances, when by the Act of Union he was not prevented from doing so. That was their argument, and he would put it to the House if it was one that

would commend itself to the intelligence and common sense of hon. gentlemen. Was it common sense to suppose that they could get rid of the effect of the British North America Act by simply passing laws of this kind from time to time, subjecting members of this House to penalties for holding their seats, although they held them in conformity with the Constitution under which the Senate existed? Another serious objection to this legislation was this: If they struck out a part of this clause and left the remainder of it it would become a precedent in legislation, and they would probably find in the future that it would be followed by other attempts to cripple the independence of this House; because if the Commons could put heavy bonds and penalties on gentlemen holding positions in the Senate they could apply to them all the effects of complete disqualification. What gentleman, for instance would undertake to hold a seat in this House if he were to be liable to a penalty of \$200 a day for holding it, although he was qualified by the Union Act to hold his seat and all the privileges connected with it. He trusted the House would strike out the clause altogether. There was another reason for it. Two or three years ago a case had occurred in which a member of this Senate had entered into a contract with the Government, and that gentleman with a proper appreciation of his position at once resigned his seat. He took it for granted that any other hon. gentleman placed in the same position would at once do the same thing, but if he had not done so he (Mr. Dickey) would have been the first to propose, if the Government of the day did not think proper to do it, a Bill in this House to disqualify such members. He understood the hon. Secretary of State to have suggested that if they would strike out this clause altogether, and allow the remainder of the Bill to pass as it was, he would bring in a Bill to prevent any member of the Senate from holding a contract under the Government. He would approve of that, and would be one of the first to support it, as it would be a bill of their own, and the principle would be confirmed that the Senate were made the judges of their own disqualifications. He warned the House that if they consented to a measure of this kind, and accepted one part of this clause, it would have the same effect as

if they had passed the whole clause, and they would have other penalties and other provisions introduced that would prevent this House from asserting its fixed and independent action in the legislation of this country.

Hon. Mr. CAMPBELL said his hon. friend was usually so clear, cogent, and logical that he was always ready to agree with his arguments; but he could not agree with the position he had taken on this occasion. It was quite true that under the British North America Act Senators should be qualified for certain reasons, and disqualified for certain other reasons, and that these reasons were permanent; but it by no means followed that Parliament was prevented from saying, "If you take such another step, then such a penalty shall be enforced against you." He desired to draw the attention of this House to the difference in the qualifications and disqualifications imposed by the Imperial Act, and the provisions of this Bill. If under this Bill a gentleman who chose to take a contract should be liable to a penalty of \$200 for every day he held the contract, it seemed to him those things were as distinct as possible, that although a member's seat might be perfectly secured under the Imperial Act, yet, if he chose to take any other step, and entered into a contract with the Government, under this Bill a fine would follow. He did not think any one desired to see sitting amongst them any member holding a contract with the Government, but it would have been far better to have allowed this legislation to originate in this House. The House of Commons had a perfect right to originate a measure affecting the position to be occupied by members of the Senate who saw fit to take contracts; but, from his point of view, it would have been better had they left it to the Senate to originate it themselves. He did not think they could take the position of rejecting such legislation, as it was a position they could not maintain. For instance, in the British Parliament, the Bills affecting the seats of Irish and Scotch peers in the House of Lords originated in the House of Commons, and there was no objection taken to them on that score. There was no doubt that Parliament had a perfect right to originate

in either House a measure which should have for its object the enactment of a clause to prevent a member of this House from holding a contract. There was no question as to the power, it was only a question of choice or discretion whether it should originate in the other House or in the Senate. He thought the wisest plan, and the only principle they could maintain permanently, was to adopt the Bill, and amend it to suit their views. They should bear in mind, that in changing the clause relative to the Senate, they would change the clause relative to the House of Commons also, and it would be very odd to say that nothing should originate in the House of Commons affecting this House, and at the same time say the Senate should legislate affecting the seats of members of the Commons, that they could blow hot and cold at the same time, and that when they undertook to correct the Bill, they undertook to correct each and every part of it; and the House of Commons, when they undertook to legislate upon the subject, had the right to legislate upon every part of it. It was merely a question of discretion whether they should do so or not. This Committee had seen fit already to correct two paragraphs of the Bill relating to the House of Commons. He thought they were quite right in doing so, and they should be wrong in now taking the position that the House of Commons had no right to interfere with the Senate. This Bill did not propose to interfere with the seats of Senators so long as they merely discharged the functions that belonged to them. He felt bound to dissent from the position taken by his hon. friend, as it was a position that, for the reasons he had given, they could not maintain.

Hon. Mr. POWER said his view of the matter coincided with that of the hon. gentleman from Amherst. He thought there should be a courtesy between the two Houses which was not, perhaps, binding in law, but which ought to bind them, and he considered it was a violation of that courtesy for the Commons to undertake to deal with the qualifications of members of this House. Had they introduced a Bill simply to affect the qualification of members of their own House, he did not think the Senate should have interfered very much with its

*Hon. Mr. Campbell.*

details unless there was something very objectionable in them. On the other hand any measure affecting the qualifications of Senators should have originated in this House. It seemed to him that there was just as much reason why Senators should be free from any influence which being interested in contracts which the Government might have over them, as members of the House of Commons, if not more so. They were a smaller body, and their votes, as had been shown during the present Session were just as influential, and perhaps a little more so than those of the House of Commons. Members of the Lower House were responsible to their constituents, who would hold them to account for any improper use of their positions, but Senators held their positions for life, and should parties become pretty evenly balanced in the Upper House and the Government desire to pass some obnoxious measure they might influence the votes of some of its members by promises of office or emolument and in that way gain a majority which they had no right to. This House would appear very badly before the country if they should affirm the principle that a member of the Commons should not be allowed to hold office under the Government, while they declined to allow themselves to be placed under the same disability.

Hon. Mr. BOTSFORD said he thought the hon. Senator from Kingston had met the objection of the hon. Senator from Amherst as to the authority of this House to amend this Bill in any way they might deem fit, and that it was perfectly within the power of the Commons to originate the measure.

The clause was carried on a division.

Hon. Mr. DICKEY gave notice that he would on concurrence move to strike out clause 11.

Hon. Mr. SCOTT gave notice that he would move on concurrence to restore the two paragraphs that had been struck out in Committee.

Hon. Mr. BELLEROSE gave notice that he would move in amendment to clause 12, as a new clause,

“ CLAUSE A.

“ No member of the Senate or of the House of Commons of Canada, shall be appointed to

any office, commission or employment, permanent or temporary, in the service of Canada, to which any salary, fee, wages, allowances or emolument or profit, of any kind is attached, unless he has ceased for twelve months previous to hold a seat in the said Senate or House of Commons of Canada."

The Committee then rose and reported the Bill with amendments.

Hon. Mr. SCOTT moved that the report of the Committee be taken into consideration to-morrow.

Hon. Mr. CAMPBELL said he hoped the hon. gentleman from Amherst would not move his amendment, and that the Secretary of State would not persist in asking for another division on the amendments after they had been adopted in committee.

Hon. Mr. DICKEY said his course in this matter was entirely within the undoubted constitutional rights of this House; at the same time he would bow to the wish of the majority. He would bring up the matter on concurrence and have it entered on the record that he had moved to strike out the clause, and have it declared lost on division.

**BILL RESPECTING THE ELECTION OF MEMBERS OF THE HOUSE OF COMMONS.**

SECOND READING.

The Order of the Day being read for second reading of the Bill intituled: "An Act to amend the Act respecting the election of Members of the House of Commons,"

Hon. Mr. RYAN, with the leave of the House, presented a petition from His Honor Chief Justice Meredith, and their Judges Stuart, Bossé, Casault, McCord, Caron, Johnson, Mackay, Torrance, Dorion, Rainville, and Papineau, of the Superior Court for the Province of Quebec, praying against certain provisions of the Bill intituled: "An Act to amend the Act respecting the election of Members of the House of Commons," imposing certain duties on Judges.

The petition was received and laid on the table.

*Hon. Mr. Bellerose.*

Hon. Mr. PELLETEIR moved the second reading of the Bill.

The motion was agreed to.

**BUILDING SOCIETIES' BILL.**

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (55) "An Act to amend the law respecting Building Societies."

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

**STAMPS AND BILLS OF EXCHANGE LAW AMENDMENT BILL.**

Hon. Mr. SCOTT moved the House into Committee of the Whole on Bill (4) "An Act to amend the law relating to Stamps on Promissory Notes and Bills of Exchange."

In the Committee, Hon. Mr. Ryan in the chair,

The first five clauses having been read and agreed to,

Hon. Mr. CAMPBELL moved that the following be inserted as clause A:—

"After a note or instrument requiring to be stamped under this Act has been settled or paid, no penalty shall be enforced against any party thereto, or against any person or corporation who had been the holder thereof, by reason of such note or instrument having been insufficiently stamped, or the stamps thereon insufficiently effaced; unless it be proved, that the party from whom a penalty is demanded, was aware before, or at the date, of the maturity of such note or instrument, of the defect in the stamping thereof, or in the effacing of the stamps thereon, and did not thereupon affix double stamps thereto, in the manner provided by this Act. And the reception of such note or instrument by any party to such note or instrument, or by the holder thereof, whether such holder be a corporation or not, or by any employer or agent of such party or holder, shall not be evidence sufficient to justify a conviction or such penalty."

He said this clause had been prepared by an eminent lawyer in Montreal to meet a difficulty which had arisen in Ontario, and it seemed to meet that difficulty, otherwise banks and other parties were liable to a penalty for having negotiated insufficiently stamped paper,

although the knowledge of it had not been brought home to them at the time.

Hon. Mr. SCOTT said the only objection he had to it was, that it might lead to very great laxity in affixing stamps, and in that way rather defeat the revenue.

Hon. Mr. CAMPBELL said he did not think it would create any difficulty of that kind. So far as the banks were concerned, they would be very keen to find out if there was any defect in the stamps on paper passing through their hands.

Hon. Mr. MACMASTER objected to the amendment, as he feared it would cause a loss to the revenue, but he thought there should be some leniency shown in this matter.

Hon. Mr. DICKEY considered that the people who required protection were not the sharp bankers, brokers or business men, but the people in the rural districts, and others who were entirely ignorant of the requirements of the law.

Hon. Mr. SCOTT asked to allow the amendment to be printed, and it could be considered on the third reading of the Bill.

Hon. Mr. BUREAU said he also had an amendment to offer, so as to define the law respecting notarial documents. It was as follows :—

Clause B.

"7. Neither the said Act nor any Act amending the same nor this Act shall be construed to require that any stamp be impressed on or affixed to any instrument, executed *en brevet* or otherwise, before a notary in his official capacity."

He gave notice that he would move this amendment at the third reading of the Bill.

Hon. Mr. SCOTT said it would be very much more consistent if the hon. gentleman would bring in an independent bill to that effect than to press his amendment and he hoped he would withdraw it.

Hon. Mr. BUREAU said he was very sorry that the hon. gentleman should adopt a parliamentary tactic to defeat his amendment. It was an amendment that was absolutely necessary to this Bill. When the Stamp Act was enacted no-

*Hon. Mr. Campbell.*

body thought it would affect notarial documents, but the judges of the Superior Court had decided that notarial documents came within its provisions. It was not just that the people of Quebec, who did the principal part of their business with notaries, should be subjected to this Stamp Act. It was a thing they were entirely ignorant of, and they were liable at any moment to have their notarial documents declared null and void. He would insist upon having a vote of the Senate on the matter, and if the Government would not accept it, he would see if he could not have it tested by the electors at the polls. He had no doubt that if the Judges of the Province of Quebec were consulted, they would say at once it was only a matter of justice that such an amendment should be adopted. He would insist upon pressing it at the third reading.

Hon. Mr. TRUDEL said his hon. friend was perfectly right, as the highest courts in Quebec had declared that certain notarial documents were subject to the Stamp Act. If such documents were of the character of a promissory note they should be stamped, but if they were not they ought not to be subject to the Stamp Act. There had been contradictory judgments given on the matter and it was necessary that the Legislature should intervene and declare what was the law. He would support the amendment of his hon. friend.

The Committee rose and reported the Bill.

The House adjourned at 10.25 p.m.

THE SENATE.

*Thursday, May 2nd.*

The SPEAKER took the chair at three o'clock p.m.

After Routine proceedings.

INDEPENDENCE OF PARLIAMENT  
BILL.

THIRD READING.

The Order of the Day being read for the consideration of the Report of the

Committee of the Whole on the Bill intituled: "An Act futher securing the Independence of Parliament."

Hon. Mr. SCOTT moved that clause "B" which had been struck out yesterday in Committee, be restored.

Hon. Mr. BELLEROSE asked the hon. Secretary of State what was the difference between a Clerk of the Peace and a Registrar in the Province of Quebec.

Hon. Mr. SCOTT said the Registrars were excluded under this Act, and it was desirable to exclude the Clerks of the Peace also.

Hon. Mr. BELLEROSE said Registrars held the same positions as Clerks of the Peace in Nova Scotia, and he did not see why they should be made an exception of in any one Province.

Hon. Mr. CAMPBELL said the objection was this. The Registrars in Quebec and Ontario were nominated by the Local Governments, but in the Province of Nova Scotia they were nominated by the municipal authorities.

The House then divided, and the motion was lost on the following division:—

CONTENTS :

The Hon. Messrs.

- |                     |                      |
|---------------------|----------------------|
| Baillargeon,        | McClelan (Hopewell), |
| Brown,              | McMaster,            |
| Bureau,             | Paquet,              |
| Chaffers,           | Pelletier,           |
| Christie (Speaker), | Penny,               |
| Cormier,            | Cormier,             |
| Haythorne,          | Scott,               |
| Hope,               | Stevens,             |
| Leonard,            | Wark.—18.            |

NON-CONTENTS :

Hon. Messrs.

- |            |                       |
|------------|-----------------------|
| Aikins,    | Girard,               |
| Alexander, | Glasier,              |
| Ailan,     | Hamilton (Inkerman),  |
| Armand,    | Hamilton (Kingston)   |
| Bellerose, | Haviland,             |
| Benson,    | Kaulbach,             |
| Botsford,  | McClelan (Londond'y), |
| Bourniot,  | Macpherson,           |
| Campbell,  | Montgomery,           |
| Carrall,   | Muirhead,             |

Hon. Mr. Scott.

- Chapais,  
Cochrane,  
Dever,  
Dickey,  
Dickson,  
Dumouchel,  
Ferrier,  
Flint,

- Read,  
Ryan,  
Seymour,  
Smith,  
Sutherland,  
Trudel,  
Vidal,  
Wilmot.—36.

Hon. Mr. SCOTT moved to restore the words that had been struck out of clause "C" by the Committee, and to add after, the words, "when appointed by the Local Government."

This motion was declared lost on the same division.

Hon. Mr. DICKEY moved that clause 10 of the Bill as amended in Committee, be reconsidered and struck out. He said he did not wish to weary the House by entering into a detailed argument on this subject. He had shown the House yesterday that by the written Constitution embodied in the British North America Act, the qualifications of Senators were fixed by law. He had also shown that the disqualifications of Senators were fixed by law, and that the sole tribunal for deciding the qualifications and disqualifications, was the Senate itself. He had likewise pointed out that the qualifications of the Legislative Councillors of Quebec, were by the British North America Act made dependent upon the qualifications of Senators; therefore, anything that affected the qualifications of Senators would also necessarily affect the qualifications of members of the Legislative Council. The Legislative Council was made the sole judge of the qualifications of that body. He had also called attention to the fact that the qualifications of Senators were entirely different from those of members of the House of Commons. Their qualifications under the Union Act were temporarily to be those that obtained in the several Provinces for members of the Local Legislatures; but they were to be subject in the future to the control of Parliament, and to have such qualifications and disqualifications as Parliament should determine, and it was upon that ground that this House had reconsidered the question as to the qualifications of members of the House of Commons yesterday and to-day, as they had a perfectly constitutional right to do. But the British North America Act had fixed

the qualifications and disqualifications of Senators without reference at all to future legislation. The position he had taken then was, that as the Senate were living under a legal Constitution, they had no right to tamper with that Constitution, and if they began to tamper with it, it would be difficult to say where it would end. His hon. friend from Westmoreland had argued last evening that the House of Commons and the Senate had, respectively, the right to originate any measure, but that was not the question here to-day. The question was one of much broader character. If it was true the House of Commons had the abstract power to originate a measure affecting the tenure of office of the Senate, surely the latter had the same power with respect to the House of Commons. But he would like to ask his hon. friend how a measure of that kind, originating in this House, would be received in another place? Supposing they were to do with the Commons as the latter had thought proper to do with the Senate, and originate a measure affecting the qualifications or disqualifications of members of the other House, he would like to know if twenty-four hours would pass before that measure would be returned to them? He contended there was no usage that would confirm any proposition of that kind. It had been said in this connection that it would be irritating to the Commons if they were to strike out this clause; but they had already undertaken to strike out a part of it, and he would like to know how that irritation was to be increased by striking out the remainder of it? If it were irritating to the House of Commons to strike out this clause, surely it must be irritating to them to amend a clause which affected their very existence. The Senate ought not to be placed in the position of having this Bill affecting their tenure of office thrust upon them. Any such measure ought properly, and according to constitution and usage, to originate in this House; just as any measure affecting the qualification or disqualification of the members of the Commons should properly originate in that House. It had been asserted that this 10th clause did not disqualify, but what did it do? It imposed a disability upon a member of not being able to sit or vote under a penalty of \$200 a day, and it

*Hon. Mr. Dickey.*

appeared to him as trifling with the common sense of this House to say in one breath, "I grant you, you have no power to disqualify a member, but you have the power to impose any amount of pains and penalties upon him for sitting as a member." If this could be done, why not leave the penalty two thousand dollars per day, and why not add imprisonment to it or any other penalty? It was sufficient for his argument to show that they were imposing the disability upon a Senator of paying two hundred dollars a day at a time when his qualification was secured to him for life by the British North America Act. He was perfectly willing, whenever a case arose showing the necessity for such legislation, that the Senate should themselves prepare a measure and pass it, preventing any person holding a contract or agreement with the Government, from having a seat in this House; but if they were not to stultify themselves now, they would keep to the position they had occupied yesterday, and their short answer to this clause would be: In the first place it should have originated in this House, if at all, and in the next place they objected to this clause because it was practically an infringement upon the British North America Act, and lastly because no necessity had been shown for this clause. Under the circumstances, he would ask the House to strike the clause out of the Bill. He had intimated yesterday that he was willing that his motion should be declared lost on a division, if the hon. Secretary of State would allow his motions to be disposed of in the same manner, but as the hon. gentleman had not seen fit to do so, he would ask for a division.

Hon. Mr. CAMPBELL said his objection to the course which had been proposed by his hon. friend, was this: The Commons had a perfect right to introduce this Bill; and to say that there was anything in the British North America Act which prevented them from doing so, was untenable. The British North America Act defined upon what terms a member should hold his seat in this House: so long as he simply discharged his duties and functions as a Senator, nobody could interfere with him; but this clause suggested that if he went beyond his duties and entered into a contract or agreement

with the Government, he should be subject to a penalty. It was impossible to show that this was an interference with the basis upon which a Senator held his seat in this House, and it was not, therefore, an interference with the British North America Act. He did not think it was desirable to strike out the clause because it was assuming this position; it was saying "although we are quite content to amend the language of the Act, so far as regards the House of Commons, and interfere with the qualification of the members of that House, we are not willing to legislate that no person in this House shall hold a contract under the Government." He did not think it was a desirable position to take. No matter what they might think of the taste or discretion of the Commons in originating the Bill there was no doubt of their right to do so. There was a want of clearness in the clause, which had been pointed out to him by his hon. friend from Sarnia, which he considered was so serious as to call for amendment. The language of the clause was "If any person, being a member of the Senate, becomes a party to or concerned in any such contract, agreement, matter or thing, he shall thereby forfeit the sum of two hundred dollars for each and every day, during which he continues to be such party or so concerned, together with all the emoluments and profits thereof, etc."

That was evidently not the intention of the Government; the intention was that such person should forfeit two hundred dollars for every day he sat and voted while he held the contract. He thought this should be amended by adding after the word "day" the words "sits and votes."

Hon. Mr. BOTSFORD said since he had addressed the House before on this question, he had taken occasion to look up authorities and had found that this legislation was sustained by precedents in the Imperial Parliament where Bills of this nature had originated in both branches of the Legislature, and neither branch had taken exception to the action of the other. It was clear, however, that neither the Senate nor the Commons had a right to originate Bills

to alter or amend the British North America Act; it had to be done by an address of both Houses to the Imperial Parliament. The hon. gentleman from Amherst was wrong in assuming that the Commons had no right to introduce this Bill, and he was also wrong in stating that the Senate had no right to introduce a Bill affecting the qualifications of the Commons. He would sustain the amendment as one which he thought should be sustained by every person who wished to stand by the Constitution. He thought it undesirable to give to any Government the liberty to influence members of this House by entering into contracts or agreements with them.

Hon. Mr. BUREAU asked if it was reasonable to suppose that because a firm in which a Senator had an interest should sell goods to the Government or their agents, perhaps without his knowledge or consent, that he should be exposed to this penalty? The Government could not deny that such was the interpretation of the Bill. He thought it would be wise under the circumstances to strike out the clause as no one could see how far-reaching the effect of it would be, and it was inexpedient to enact laws that they did not thoroughly understand. He had not heard one reason advanced by the Secretary of State to justify them in passing this clause, and he would support the motion of the hon. gentleman from Amherst to strike it out.

Hon. Mr. HAVILAND said his interpretation of the Act would be, that under this tenth clause a Senator would be liable to this penalty if he was a partner or had the most infinitesimal interest in a contract with the Government. He believed the Commons had the constitutional right to initiate this legislation but the question now before them was this: whether the clause that had been introduced into this Bill, affecting the Senate, was not inserting the small end of the wedge into the British North America Act? If they allowed it to be established as a precedent, and sanctioned it with their votes, that measures interfering with their rights might be introduced in the Commons in the future, the British North America Act would be no longer the charter of the rights and liberties of the

Senate; it would be merely a piece of waste paper that could be altered from time to time as the Commons desired. He did not believe in Senators holding contracts under the Government, but the proper way to prevent it was by an address of both Houses to the Imperial Parliament, asking them to amend the British North America Act in that direction. Under these circumstances he would vote for the motion of the hon. gentleman from Amherst.

Hon. Mr. BENSON said he could see no necessity for this clause, and he would have to vote for the erasing of it altogether from the Bill. It was quite time enough for them when the necessity arose for it, to change the qualifications of Senators, which change should emanate from this House without saying anything whatever as regarded the rights of the other. He was prevented from taking part in the debates of this House by a physical disability, but he could not let this subject pass without expressing his opinion upon it.

Hon. Mr. MACPHERSON said he was in favor of excluding Government contractors from this House, and of anything that would raise the standing of this Senate in the estimation of the country; but he considered that any change affecting their qualifications should originate in this House, and should be prepared with very great care. If they enacted this law without due consideration, they did not know what construction the Judges might put upon it, and they were running a good deal of risk in consenting to have their rights and privileges affected in this way. It was quite certain if they committed an error now it never could be remedied, and their rights and privileges would be gone from them forever whether it had been their intention to part with them or not. He considered that the House should have another day to consider the clause, but he would not pledge himself to support it even then; if it was pressed to a division now he would vote against it.

Hon. Mr. SMITH asked if the selling of supplies to a Government vessel, that might call into a port could be construed into a contract.

*Hon. Mr. Haviland.*

Hon. Mr. AIKINS—Certainly.

Hon. Mr. CAMPBELL—No.

Hon. Mr. SMITH said there was a difference of opinion on the subject. If a Government steamer, for instance, called at the wharf of a member of this Senate and bought from his clerk, agent or partner a supply of coal, the invoice would be issued in the Senator's name, and, perhaps, he would not get his money from the Government for months afterwards. Would that constitute a contract under the terms of this Bill? Or would the selling of anything to the Intercolonial Railway be construed into a contract? He considered that very great care should be taken or they might place themselves in a false position without knowing or intending it.

Hon. Mr. ALLAN moved that the further consideration of the Bill be postponed until to-morrow.

Hon. Mr. SCOTT said it was a broad question whether this Bill conflicted with the privileges conferred by the British North America Act or not. The hon. gentleman from Kingston had expressed his (Mr. Scott's) views, and he did not think any other conclusion could be reached if the subject were given due consideration. If any Senator rendered himself liable to the consequences of this Bill his seat was not attacked—he was merely punished for breaking the law. It was purely optional with a Senator whether he should take a contract from the Government or not, but the position of a Senator should be above suspicion. So far as the present Senate was concerned, they might feel satisfied that no hon. gentleman would lower his position; still, in making laws they should legislate for those who might be less careful than themselves. The Bill was drawn with a full knowledge of the effect of the 10th clause, and was drawn to meet every case as it at present stood; that a Senator should not only be subject to the penalty for the time he sat and voted, but that he should be prevented from holding a contract under the Government the remaining nine months of the year, or by absenting himself from the House one session, from holding a con-

tract twenty-one months. He was still a Senator whether sitting in the House or not, and the object of the law was to deprive the Government from having any power or influence over a Senator or member of the Commons; in fact, to take away the possibility of corruption. Surely Senators did not wish to be placed in any different position in this respect than the members of the House of Commons?

Hon. Mr. CAMPBELL—There is something in that point, and it is another reason why the Bill should be postponed for another day.

Hon. Mr. AIKINS—It is a reason why we should strike the clause out altogether.

Hon. Mr. SCOTT said the Bill was a Government Bill, and it could have been introduced in either House with equal propriety, as the Government were represented in both Houses. It was not, therefore, subject to the criticism that had been attempted by the hon. gentlemen opposite, that it was a Bill that originated in the other House and was brought up here; it was originated by the Government and was brought by them down to the Commons.

Hon. Mr. GIRARD asked if a Senator who purchased Dominion lands in Manitoba would be considered as having entered into a contract or agreement with the Government under the provisions of this Bill?

Hon. Mr. SCOTT said he was quite safe in saying in an off-handed way that he could buy all the lands he required from the Government in the North-West, and it would not affect his seat under this Bill, as it did not go further than the law as it existed in old Canada. No member of Parliament had ever been debarred from purchasing Government lands as long as he paid the regular price for them, and did not obtain any special privilege or advantage over private individuals.

Hon. Mr. KAULBACH said there was evidently a great conflict of opinions here between legal gentlemen on this question. He thought the Government did not thoroughly understand the full effect and

scope of the Bill, as different answers to those of the Secretary of State had been given by Ministers in the other House to the same questions that had been asked here.

Hon. Mr. CAMPBELL considered that a purchase of Dominion lands would be construed into a contract with the Government.

Hon. Mr. KAULBACH said he was willing to go the length of declaring that persons appointed by the Government, and who depended on the Administration of the day for their salaries, and were in a position to be removed at any time, ought not to sit in either branch of this Parliament. The law should remain as it was, and its provisions should be gradually amended as the necessity arose. The people's rights should not be restricted further than was found necessary. He was willing that no contractor should sit in the Senate, but such legislation should emanate from the Senate. He could not see why judges should be disqualified. They were entirely out of the hands, and free from the influence of the Government. They, with all others superannuated, were not under Government control; the money they received was their own money—their own insurance fund—and they received it as of right, not at the will or pleasure of the Government. Many of them he personally knew who, if elected to Parliament, would bring a vast amount of useful knowledge, experience and ability with them. The people should be at liberty to decide in such cases. There was no Parliament so jealous of the independence of its members as the British Parliament, and yet superannuation was no disqualification there, and no reason had been given why it should be a disqualification here. Under this Bill shareholders in vessels might be disqualified if they were not in an incorporated company—and yet he could see no difference between them and corporated companies owning vessels, as the business was generally conducted entirely by the ship's husband and agents abroad, the individual shareholders seldom knowing or being conferred with as to the contracts entered into. Bankers seemed generally to be a favored class. They might make any agreement they pleased with

the Government. He contended that any Minister of the Crown who induced any member to violate the Independence of Parliament Act, should be liable to the same penalties and forfeitures as the member himself.

Hon. Gentlemen—Hear, hear.

Hon. Mr. KAULBACH—With regard to the constitutional question involved in this Bill, he viewed it in much the same light as his hon. friend from Amherst. This was as an entering wedge, and would create a precedent. He was not prepared to admit that the Commons had any right to initiate legislation to curtail and restrict the Constitution and rights of the Senate, as guaranteed and given to it under the British North America Act. The 23rd section of the Act states what the qualifications of a Senator shall be; the 31st section clearly states what the disqualifications shall be; and the 33rd section declares that any question arising as to the qualification or vacancy, the same shall be heard and determined by the Senate. By this the Senators are constituted the sole judges in all such matters. But it is otherwise with members of the House of Commons, for the 41st section of the same Act provides that Parliament has the power to determine the qualification and disqualification of its members. It was in vain for the Secretary of State to say that the Bill did not disqualify Senators, but only punished them if concerned in a contract. The 10th clause was virtually a disqualification. It should be struck out of the Bill. It was an attempt to infringe on the rights of the Senate under their Constitution, which rights they should jealously and strictly guard. He would support any legislation proceeding from the Senate, preventing Senators from contracting with the Government, but would oppose any such legislation proceeding from the House of Commons.

Hon. Mr. FERRIER could not see what objection the Secretary of State could have to the striking out of this clause altogether, and bringing in an independent Bill to prevent Senators from entering into contracts with the Government.

Hon. Mr. AIKINS said they all knew

*Hon. Mr. Kaulbach.*

that last Session several members of the Commons had become liable to a penalty for a breach of the Independence of Parliament Act, and a Bill had to be introduced and passed to relieve them from the consequences of it. It had been stated at that time by the Premier, that a Bill would be introduced this Session to amend the Act, but he did not see why it had been made to apply to this House if it had not been to give some gentlemen who entertained a bad feeling towards the Senate an opportunity of ventilating that feeling. He believed the clause should be struck out altogether as there was no doubt, if his hon. friend Mr. Sutherland purchased a quarter section of land from the Government, it would render him liable to the penalty under this Bill.

Hon. Mr. WILMOT thought the clause was absurd as there was no saying when a member of the Senate might innocently subject himself to a penalty under it.

Hon. Mr. SCOTT said if the proposition of his hon. friend from Amherst should be negatived, he was prepared to allow the Bill to stand over until to-morrow.

Hon. Mr. REESOR said it was perfectly clear that there were certain classes of contracts that a Senator would be perfectly justified in entering into with the Government, such as purchasing lands from them, and he thought the Secretary of State should allow the Bill to stand over until to-morrow, to see if the clause could not be amended so as to define what class of contracts Senators should be excluded from.

Hon. Mr. SCOTT pledged himself that the House might submit any amendments they proposed to make to-morrow; all that he asked now was that the absolute proposition should be negatived.

Hon. Mr. MACFARLANE said he would vote for the motion of his hon. friend from Amherst if it was pressed.

Hon. Mr. DICKEY thought the course suggested by the hon. Secretary of State was the logical and correct one.

Hon. Mr. MACMASTER did not think that this House should claim to be free from disabilities which were recognized in the Commons. The question was whether the members of the House of Commons were not as much to be trusted as members of the Senate. They were equally responsible, wealthy and independent, and moreover, they had to go to their constituents every five years, while the members of the Senate had not. Senators were entirely irresponsible and independent of everybody, hence the necessity for their being placed under the very same restraints as members of the Commons. Hon. gentlemen were in the habit of referring to the House of Lords in questions coming up here, but he could see no analogy between the House of Lords and this Senate. The House of Lords was composed of gentlemen the great bulk of whom possessed great wealth, and those who were not wealthy had family records that they could not think for any consideration of sully in any way.

Hon. Mr. ALLAN—You think we might here?

Hon. Mr. MACMASTER thought it came with very bad grace from the Senate, in view of the fact that they were entirely independent of the people, that they should seek to be freed from restraints to which the members of the other House had to submit.

Hon. Mr. WILMOT contended that shareholders in ships should be placed in the same position as shareholders in banks, insurance, and other incorporated companies.

Hon. Mr. HAYTHORNE hoped that the motion of the hon. Senator from Amherst would not be withdrawn, but he considered the motion to let this matter stand over until to-morrow was a proper one.

Hon. Mr. ALLAN'S motion was carried on a division.

## ELECTION LAW AMENDMENT BILL.

IN COMMITTEE OF THE WHOLE.

The House went into Committee of the Whole on Bill (20) "An Act to amend

Hon. Mr. Macmaster.

the Act respecting the election of Members of the House of Commons," Hon. Mr. Dickey in the chair.

On the 14th clause,

Hon. Mr. RYAN said he had presented a petition from the Judges of the Superior Court of the Province of Quebec, which he hoped the House would carefully consider. He had spoken to the hon. Secretary of State, who seemed to think the Judges wished to shirk their duties as judges, whereas they only asked to be exempted from something which they had designated as making them deputy returning-officers. There were no County judges in the Province of Quebec, and the Superior Court Judges objected to this clause which imposed upon them the labor of counting over the ballot papers and issuing notices. When they had accepted positions on the Bench it had never been expected that such duties would be imposed upon them. The proper officer, in his opinion, to discharge such duties would be the Prothonotary. He suggested that the clause should be allowed to stand until to-morrow, when the suggestions of the judges could be received by mail.

Hon. Mr. BELLEROSE said he had received a letter from one of the Judges of the Superior Court, which gave the reasons why they were opposed to the Bill. Three reasons were that it brought the judges down to the level of deputy returning officers, throwing upon them perfectly unjudicial duties. They considered it was, in fact, calling upon them to decide election cases without imposing, especially in the counties, the responsibility of declaring the result of the ballot vote. It might happen that a judge would be called upon to count a vote in a case which might have to come up before him afterwards on a petition. He believed this one reason should suffice to show that this clause ought not to pass.

Hon. Mr. CAMPBELL thought these duties should not be thrown on the judges and it seemed to him it was quite possible to avoid it. He hoped the clause would be allowed to stand until to-morrow until

the suggestions of the judges should be received.

Hon. Mr. SCOTT said this was really the only means that could be adopted for this purpose. It was the most important trust under the election law. Judges in the highest Courts in Ontario had been obliged to sit day after day inspecting the ballot and decide whether the votes had been properly counted. It had been so in the Lincoln case. The duty of the Judge was to decide whether the Returning Officer had decided correctly or incorrectly to count or reject the ballot. He saw no reason why the judges of the Province of Quebec should be relieved of this duty any more than the judges of other Provinces. The object of this legislation was to save expense and delay. If a party made oath that there had been an improper count of the ballot, and there had been a deposit of one hundred dollars, then the judge could decide the matter, while the whole circumstances were fresh in the minds of the parties interested. The Temperance Act, which had been passed the other day, contained such a clause as this.

Hon. Mr. RYAN—How did you deal with Quebec?

Hon. Mr. SCOTT—We must have named the same judges.

Hon. Mr. RYAN—I do not think so.

Hon. Mr. SCOTT said there were no other judges named. The moment Parliament gave up the decision of election cases by committees and threw it upon the judiciary, it became necessary that the judge should be the arbitrator to decide whether a candidate was properly elected or not. It was the only security the public had, and whatever might be said to the contrary, no one would like to return to the old system of deciding controverted election cases. However repugnant it might be to the judges to perform those duties, it was important that they should devolve upon them alone. Election contests were sometimes very close, and the adoption or rejection of one or two ballots improperly might decide the whole thing one way or the other.

*Hon. Mr. Campbell.*

Would Parliament desire to put into the hands of an irresponsible party—perhaps a political partizan, the right to say whether a candidate was properly elected or not? Under the present system, such a case would ultimately go before the judge, and would it not be better to have it disposed of while the whole thing was fresh, and save time and expense? There might not be more than two or three cases of this kind after a general election throughout the whole Dominion, but it was most important that in such cases the judge should decide them, and that their decisions should be final.

Hon. Mr. PENNY said the judges had a natural repugnance to the whole of this electioneering business, and desired to get rid of it as much as possible. Though he had been disposed at first to take the same view of this measure as the judges, he had on reflection, come to the conclusion, that it imposed no new duties upon them. Under the present system the whole question of the counting of ballots in a disputed election could be brought before a judge on a petition.

Hon. Mr. RYAN—It comes judicially.

Hon. Mr. PENNY—Precisely. The object of this Bill was not to impose new duties upon the judges, but to direct them to discharge a duty imposed on them now, at an earlier period. The effect would be to save a great deal of time, trouble and expense, and in many cases to enable the judges to render decisions before instead of after a session of Parliament. With every desire to relieve the judges of a task of this sort, he could not see that this Bill imposed any new duties upon them, but, on the contrary, it was relieving them and others, in many cases, of a great deal of trouble.

Hon. Mr. TRUDEL challenged the hon. Minister of Agriculture to point out in the whole system of procedure in the Province of Quebec, anything which could be compared with the duties imposed upon the Superior Court Judges by this Bill. They were required to write notices, count ballots, and discharge other duties that even a prothonotary would assign to

junior clerks. He did not think this Parliament had power to impose such additional duties on the judges, and it was not necessary that they should. It frequently happened in the Province of Quebec, that special work was assigned by the judges to experts, upon whose reports the judges acted judicially. The procedure proposed in this Bill would interfere with the organization of the Superior Courts of the Province, because they would be obliged to suspend their regular duties to discharge those imposed upon them by this Bill.

Hon. Mr. PELLETIER—By the law at present, election cases have precedence of all other business.

Hon. Mr. TRUDEL said that was true, but election cases had to be inscribed regularly like other cases, and, consequently, they did not interfere with the other business of the Court. Election cases were not the only ones that had precedence, as there were bankruptcy and *capias* cases also. He challenged the hon. Minister of Agriculture to show any instance in which judges were required to discharge the duties of clerks.

Hon. Mr. PELLETIER said the hon. gentleman could not suppose that the judge would be required to do the clerical work himself.

Hon. Mr. TRUDEL asked in what other way it was to be done? The Prothonotary could declare it was none of his business, because he was not even recognized in this Act. Nothing remained, therefore, but for the judge to do the work himself, and it was not even stated whether it was to be done in Chambers or on the Bench. He might be required to do it at his private residence.

Hon. Mr. PELLETIER said he had great respect for the opinions of the judges, but he thought in this case they had exaggerated the duties imposed upon them by this Bill. Certainly they were not new, and he could not see why the Judges of the Province of Quebec should be exempt from these duties any more than the judges of the other Provinces. This Bill simply required them to do in shorter time what they had now by law to do. It enabled the judge summarily to dispose of some cases which now involved a great deal of time and expense.

*Hon. Mr. Trudel.*

Hon. Mr. SCOTT said there was no possible circumstance that he could conceive that would justify Parliament in adopting any other tribunal than the judges to discharge these duties—duties that were the highest that could be thrown on anybody by this Act. It had been decided in England, that the only safe tribunal for those election cases, was the judicial one, and that principle having been adopted in this country, the duties mentioned in this Bill were incident to it.

Hon. Mr. RYAN—It does not come before them in a judicial character.

Hon. Mr. SCOTT said his hon. friend was mistaken—it did. The judges, when they were placed on the bench, were required to decide matters that the people of this country thought proper to submit to them.

Hon. Mr. CAMPBELL suggested that the clause should be allowed to stand over until to-morrow, in order that the suggestion of the judges, which he understood had been mailed, might receive the consideration of the House.

The motion was agreed to. The Committee then rose and reported progress, and asked leave to sit again to-morrow.

The House adjourned at 6 o'clock p.m.

## THE SENATE.

*Friday, May 3d, 1878.*

The SPEAKER took the chair at 3 o'clock, p. m.

After Routine proceedings.

## BUILDING SOCIETIES' BILL.

### THIRD READING.

Hon. Mr. HAMILTON, (Kingston,) from the Committee on Banking, Commerce, and Railways, reported the Bill intitled: "An Act to amend the law respecting Building Societies," with certain amendments.

The amendments were concurred in, and the Bill was read the third time and passed.

## THE HAWS CHANCERY CASE.

## MOTION FOR RETURN.

Hon. Mr. PENNY moved:—

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a Return giving copies of the Bill of Complaint and the Decree in the suit of Her Majesty's Attorney-General for Canada, *versus* Haws, now pending in the Chancery Division of the High Court of Justice in England, and of the Reports or Letters from the Solicitors in England, in charge of the case, to the Department of Justice, shewing the result so far of the proceedings in the suit.”

The motion was agreed to.

## TRANSPORTATION OF RAILS' CONTRACT.

## ENQUIRY.

Hon. Mr. MACPHERSON asked the Secretary of State if he was prepared to furnish the information he had asked for about a week ago, respecting the transportation of rails to Duluth and Red River.

Hon. Mr. SCOTT—I shall endeavor to do so at the next meeting of the House.

Hon. Mr. MACPHERSON asked the hon. Secretary of State to include in the return the advertisements for tenders for the service. He made this request because a gentleman interested complained that injustice had been done to him by changing the advertisement.

“May 2nd, 1878.

“The Minister of Public Works advertised for tenders for the transportation of steel rails from Kingston to Duluth or Winnipeg, the tenders to be received up to the 19th of March last. Very shortly before that date the Government advertised a change in the forms of tender, calling for direct transportation from Kingston to St. Boniface (Winnipeg). Sufficient time was not given to parties who were willing and ready to tender for lake freight to Duluth to ascertain the cost of transportation inland from Duluth. The change was evidently made in the interest of friends of the Government at the Red River end of the route. I sent for forms of tender, and was prepared with another person here to freight the rails to Duluth for \$2.50 per ton, including the lake insurance, wharfage thereon, and handling at both ends of the route. When the forms of the tenders were changed we were debarred from bidding. I am satisfied Norris & Co., with their propellers, could not carry them for

Hon. Mr. Penny.

the price for which I would have done the work, unless they could make up on the freight from Duluth to St. Boniface.”

Hon. Mr. SCOTT—Does he say what the rate would be from Duluth onward?

Hon. Mr. MACPHERSON—No.

Hon. Mr. SCOTT—It would help us very much if he would say what he was prepared to do.

Hon. Mr. MACPHERSON—He was prepared to tender for the transportation to Duluth only.

Hon. Mr. SCOTT—He ought to have known at what rates he could have obtained freights from Duluth to St. Boniface.

Hon. Mr. MACPHERSON—He says he was not able to do that in time, but if the Government had not changed the advertisement, he would have tendered for the service to Duluth. The Government debarred themselves from making the best arrangement, in the public interest.

Hon. Mr. SCOTT—Of course I have not seen the tenders and I do not know anything about them at present.

The subject was then dropped.

## STAMPS ON BILLS OF EXCHANGE BILL.

## THIRD READING.

Hon. Mr. SCOTT moved the adoption of the report of the Committee of the Whole House on Bill (4) intituled, “An Act to amend the Law relating to Stamps on Promissory Notes and Bills of Exchange.”

The motion was agreed to.

The Bill was then read the third time and passed.

## LAW OF EVIDENCE AMENDMENT BILL.

## SECOND READING POSTPONED.

Hon. Mr. CAMPBELL moved the second reading of Bill (40), “An Act for the Amendment of the Law of Evidence in certain cases of Misdemeanor.” He said this Bill was of the same nature as the one recently discussed in this House by which in common assault cases the

husband and wife were allowed to give evidence. He saw no reason why this measure had not been incorporated in that Bill before being sent up to this Branch of the Legislature. It consisted of but one clause which was as follows:—

“On the trial of any indictment or in any other criminal proceeding for the non-repair of any public highway or bridge, or for a nuisance to any public highway, river, or bridge, every defendant to such indictment or proceeding, and the wife or husband of any such defendant, shall be admissible witnesses and compellable to give evidence.”

As the law now stood, if a civil action were brought the husband or wife could be a witness; but, if it took the form of an indictment, they could not, although the effect of both suits would be to dispose of the same matter.

Hon. Mr. HAVILAND thought after the passage of the Bill relating to evidence in common assault cases, there could be no ground for opposing this. It looked to him very much like patchwork bringing in those Bills separately. The principle, once admitted, should be applied to every case of misdemeanor.

Hon. Mr. DICKEY said he had to oppose the Bill relating to evidence in common assault cases. He did not approve of allowing a wife to be a witness in her husband's case. It would place her in the dilemma that she must either give evidence for him or incur his displeasure. He had also stated that he regarded it as the thin end of the wedge, and that it would very likely soon be followed by a law extending it further. There was a good deal of force in the contention of the hon. Senator from Richmond, that the Bill which had passed the Senate related merely to petty squabbles in which it would be a race between the parties who should get to the Justice first; but that argument did not apply to this measure, because it was a Bill which affected the whole public interest. There were a good many analogous cases of injury to property in which the evidence of husband and wife were not admitted. The introduction of this Bill showed the soundness of his contention, that if this principle was to be introduced at all it should not be taken up piecemeal, but it should be

*Hon. Mr. Cambell.*

dealt with by the Government as the law of the land. This Bill went further than the measure relating to common assault cases, because it not only admitted the wife to give evidence but compelled her to be a witness for or against her husband. He thought it was the duty of the Government to protect the public against legislation of this character. He appealed to the hon. Secretary of State not to allow the Bill to go any further.

Hon. Mr. SCOTT said this Bill followed the principle of the measure that had been passed the other day, but went further. His view was, as he had expressed it the other day, that such evidence should be admitted and the tribunal should be left to weigh its value. The only objectionable point that struck him in this measure was that the wife should be compelled to give evidence against the husband. That was a principle that he did not wish to favor, therefore, he thought it might be worthy of consideration whether it should not be amended in Committee.

Hon. Mr. BROWN hoped this Bill would not go any further. It appeared to him it would be a very unfortunate thing if the husband should in the witness box swear one thing and the wife the opposite. It would destroy the peace and harmony which should prevail in a family.

Hon. Mr. KAULBACH said if he thought the Bill would only make the wife a competent witness, he would be inclined to support it.

Hon. Mr. BELLEROSE said he had been opposed to the Common Assault Cases Bill, but he was still more opposed to this for the reasons which had been given. But there was an additional reason: this Act would be administered not merely by judges in cities, but principally by magistrates throughout the country, and he objected strongly to legislating every day, three or four lines at a time, and scattering them over the Statute Book where the magistrates would be unable to find them. Such legislation ought to be in the hands of the Government, and he therefore moved that this Bill be not now read the second time, but that it be read the second time this day three months.

The House divided on the motion which was adopted on the following division:—

## CONTENTS :

## The Hon. Messrs.

Armand,	Hamilton, (Inkerman,)
Baillargeon,	Haviland,
Bellerose,	Haythorne,
Botsford,	Hope,
Brown,	Leonard,
Bureau,	McLelan (Londonderry)
Chaffers,	Muirhead,
Chapais,	Paquet,
Cormier,	Penny,
Dever,	Pozar,
Dickey,	Read,
Dumouchel,	Reesor,
Fabre,	Ryan,
Ferrier,	Simpson,
Flint,	Trudel,
Girard,	Wark.—33.
Guevremont,	

## NON-CONTENTS :

## The Hon. Messrs.

Aikins,	Macfarlane,
Alexander,	Macpherson,
Allan,	Miller,
Benson,	Montgomery,
Campbell,	Pelletier,
Christie (Speaker)	Power,
Dickson,	Scott,
Glasier,	Seymour,
Hamilton (Kingston)	Skead,
Kaulbach,	Smith,
McClelan (Hopewell)	Stevens.—23
McMaster,	

## THE PUBLIC PRINTING.

## REPORT OF THE JOINT COMMITTEE.

Hon. Mr. SIMPSON moved the adoption of the Report of the Joint Committee on printing. He said this related to the distribution of public documents. It had been carefully considered by the sub-committee first and afterwards by the Committee; and there was a general desire, if possible, to curtail the publication of so many documents. While they had limited the distribution very greatly they had reduced the number of documents to be printed. Instead of giving three copies of each public document they would give only one. The provision for exchanges was the same as before; in fact, they had rather extended the exchange list by including the States of Michigan and

*Hon. Mr. Simpson.*

Illinois. They had decided to continue the newspapers, the number being 490. It would cost \$2,500, yet they did not see how it could be remedied. It was proposed to keep a reserve of 150 copies of every document. They had cut off Austria, to which they had been in the habit of sending all their documents, because a package was returned to them for want of postage, and they had to pay postage both ways. The saving effected by these reductions would be about \$10,000. The Committee found they would have to print the whole of the report of the Fisheries Commission. There was one trouble about the translation; it would make about four volumes of a thousand pages each. The Committee had decided to ask Parliament for the use of their translators, of whom there were ten in the House of Commons and two in the Senate, and it was believed there were sufficient to do the work without calling for more. It had been decided to print the entire evidence, though some objection had been raised to it.

Hon. Mr. CAMPBELL—Certainly; print it all.

Hon. Mr. SIMPSON said it might be important hereafter. It was proposed to print 250 in French and 500 in English. It was estimated the cost would be from \$8,000 to \$10,000, which would be saved in the reduction proposed.

Hon. Mr. MACFARLANE said, as a member of the Committee, he believed a great deal of useless expense would be saved by this change. The papers had been distributed most lavishly. There was one thing which had been discussed in the Committee, which he had been somewhat surprised to learn, that was, several of the Local Legislatures to which public documents had been regularly sent had never reciprocated. One of those Legislatures was that of Nova Scotia, and he believed it was the same with the Legislature of Prince Edward Island. The Committee had decided to send no more documents to Legislatures which did not reciprocate.

Hon. Mr. DICKEY said it was fortunate that the saving which would be effected by the system recommended would

cover the cost of printing the report of the Fisheries Commission. It would be difficult to overrate the importance of having a full report of that important Commission printed for future reference.

Hon. Mr. BUREAU said with respect to the report of the Fisheries Commission, he had been requested to have an interview with the Premier on the subject. The Committee had adopted a report by which they expressed the hope that the Fisheries Department would undertake the printing and translation of that important report, but Mr. Mackenzie objected to it, and thought it should be printed in the ordinary way. The Premier did not want the evidence in the Fisheries Commission printed, and he (Mr. Bureau) would like to have an expression of opinion from the Senate upon this point.

Hon. Gentlemen—Print it by all means.

Hon. Mr. BUREAU was glad to hear this expression of opinion; because ten years hence these same matters might come up again, and the report of the Fisheries Commission would be an exceedingly valuable document. He had spoken to several members of the Commons on the subject, and they were all of opinion that it would be a mistake to omit any part of the report.

The motion was agreed to.

Hon. Mr. SIMPSON moved the adoption of the eighth report of the Joint Committee on Printing.

The motion was agreed to.

## INDEPENDENCE OF PARLIAMENT BILL.

### THIRD READING.

The Order of the Day being read for the consideration of the amendment made by the Committee of the Whole House to the Bill intituled: "An Act further securing the Independence of Parliament."

Hon. Mr. DICKEY moved:—

"That clause ten of the Bill, as  
*Hon. Mr. Dickey.*

"amended in Committee, be reconsidered and struck out."

The House divided on the amendment, which was rejected by the following vote:—

### CONTENTS :

#### Hon. Messrs.

Aikins,	Hamilton (Inkerman),
Alexander,	Hamilton (Kingston),
Allan,	Haviland,
Armand,	Kaulbach,
Bellerose,	McLelan (Lond'derry),
Benson,	Macfarlane,
Botsford,	Macpherson,
Bourinot,	Miller,
Bureau,	Montgomery,
Campbell,	Muirhead,
Chapais,	Pâquet,
Dever,	Pozer,
Dickey,	Read,
Dickson,	Ryan,
Dumouchel,	Seymour,
Ferrier,	Sutherland,
Flint,	Trudel,
Girard,	Wilmot.—37.
Glazier,	

#### NON-CONTENTS :

#### Hon. Messrs.

Baillargeon,	McMaster,
Brown,	Pelletier,
Chaffers,	Penny,
Christie (Speaker),	Power,
Cormier,	Reesor,
Fabre,	Scott,
Haythorne,	Simpson,
Hope,	Stevens,
Leonard,	Wark.—19.
McClelan (Hopewell),	

Hon. Mr. ALLAN moved: That the following be substituted for the 10th Clause of the said Bill, intituled: "An Act further securing the Independence of Parliament."

"No person being a member of the Senate, shall directly or indirectly, knowingly and wilfully be a party to, or concerned in, any contract under which the public money of Canada is to be paid, and if any person, being a member of the Senate, shall knowingly and wilfully become a party to or concerned in any such contract, he shall thereby forfeit the sum of two hundred dollars for each and every day during which he continues to be such party or so concerned, and such sum may be recovered from him by any person who will sue for the same, by action of debt, bill, plaint or information, in any Court of competent civil jurisdiction in Canada; provided always this section shall not prevent any Senator,

who, at the passing of this Act, has any contract for which the public money of Canada is to be paid, from completing such contract, or render him liable to the penalties imposed by this section, nor shall it render any Senator liable for such penalties, by reason of his being a shareholder in any incorporated company, having a contract or agreement with the Government of Canada, except companies undertaking contracts for the building of public works, and any company incorporated for the construction or working of any part of the Pacific Railway."

Hon. Mr. FLINT said he preferred this amendment to the clause which had been struck out. That section seemed to have been drawn expressly to place the Senate in a false position.

Hon. Mr. BROWN said it appeared to him the amendment was a very good specimen of the way "how not to do it."

Hon. Mr. CAMPBELL—It is precisely the same as it was in the Bill originally.

Hon. Mr. BROWN thought it a mistake to reduce the penalty. What would the hon. Senator from Saugeen have thought of \$200 a day when he was holding one of his great contracts?

Hon. Mr. CAMPBELL—Only \$73,000 a year.

Hon. Mr. BROWN thought Senators should be placed on the same footing as members of the House of Commons. To say that Senators, who were appointed for life and could not be controlled in any way by the public, should sit in this House as the paid servants of the Government was an utter outrage.

Hon. Mr. ALLAN said if the amendment were a specimen of "how not to do it," the Government were responsible for it, the amendment being precisely the same as the clause in the Bill. The last thing he desired was to make this penalty a mere sham.

Hon. Mr. DICKEY thought, while he could not vote for the amendment, that the hon. Senator from Toronto had spoken of it unjustly. It was more stringent than the clause relating to the House of Commons. No member of the other House could be made liable to the penalty under  
*Hon. Mr. Allan.*

this Act unless he chose to sit and vote, while a Senator would be liable to the penalty for every day during which he continued to be a party to a Government contract, whether he sat and voted or not.

Hon. Mr. SCOTT said while he would have preferred section 10, he was prepared to accept the proposed amendment.

Hon. Mr. McCLELAN (Hopewell) called attention to the fact that while shareholders in incorporated companies were exempt from the operation of this law, shareholders in ships were not. He had prepared amendments to this clause with a view to placing shareholders in ships in the same position as shareholders in banks and insurance companies.

Hon. Mr. HAVILAND said the gentleman was in a false position, having voted for the 10th clause as it stood, while he was desirous of amending this clause, which was a great improvement on the one which had been struck out.

Hon. Mr. McCLELAN said he had prepared this as an amendment to the 10th clause.

Hon. Mr. WILMOT thought it was an invidious distinction to subject a shareholder in a ship to penalties from which a shareholder in an incorporated company was free.

Hon. Mr. KAULBACH was in favour of the amendment suggested by the hon. Senator from Hopewell.

The House divided on the amendment, which was adopted by the following vote:—

CONTENTS :

Hon. Messrs.

Aikins,  
Alexander,  
Allan,  
Armand,  
Bell-rose,  
Benson,  
Botsford,  
Bourinot,  
Bureau,  
Campbe

Hamilton (Inkerman),  
Hamilton (Kingston),  
Haviland,  
Kaulbach,  
McLe an (Lond'de'ry),  
Macfarlane,  
Macpherson,  
Miller,  
Montgomery,  
Muirhead,

Chapais,	Paquet,
Dever,	Pozer,
Dickey,	Real,
Dickson,	Ryan,
Dumouchel,	Seymour,
Ferrier,	Sutherland,
Flint,	Trudel
Girard,	Wilmot.—37.
Glazier,	

## NON-CONTENTS :

Hon. Messrs.

Baillargeon,	McMaster,
Brown,	Pelletier,
Chaffers,	Penny,
Christie ( <i>Speaker</i> ),	Power,
Cormier,	Reesor,
Fabre,	Scott
Haythorne,	Simpson,
Hope,	Stevens,
Lemard,	Wark.—19
McLelan (Hopewell),	

The amendments made in Committee of the Whole, were concurred in on a division.

The Bill was then read the third time and passed.

## ELECTIONS LAW AMENDMENT BILL.

## THIRD READING.

The Order of the Day being called for, again putting the House into Committee of the Whole, on Bill (20) "An Act to amend the Act respecting elections of members of the House of Commons."

Hon. Mr. CAMPBELL said he had anticipated yesterday that he would have had a letter from one of the judges in Quebec suggesting an amendment to relieve the Judges of the Superior Court from this duty. If convenient to the hon. Secretary of State, he would like to have the third reading still further postponed.

Hon. Mr. SCOTT hoped his hon. friend would not press for a postponement. He did not think the House of Commons would consent to the change, as it was a matter of very great importance to the members of that House, that the judges should perform this service. No tribunal in this country was too high to be exempt from the adjudication of such questions.

*Hon. Mr. Campbell.*

Hon. Mr. CAMPBELL said those judges had been appointed for the purpose of deciding disputes between Her Majesty's subjects, such disputes having actually arisen. In this Bill it was proposed to ask them to discharge duties which were not judicial, and which were anterior to any dispute arising which ought to be referred to them. He thought it was not proper work for a judge, to assist a returning officer with a view to prevent disputes arising. However praiseworthy it might be, it was hardly proper to say that the Judges of the Superior Court should be employed in that work. All that he asked was, that the further consideration of the Bill be postponed until the suggestion of the Judges should be received.

Hon. Mr. DICKEY regretted that he could not adopt the view which his hon. friend from Kingston had expressed with regard to this Bill. It appeared to him that the duties which the Judges would be called upon to discharge under this Bill were strictly judicial; they would be required to decide the validity of ballots, which was only the same sort of duty they might be called upon to discharge upon a petition afterwards in the regular course of their duties; therefore it was imposing no additional duty upon them in point of fact. As to the objection that such duties were undignified, everyone knew that the manual and clerical labor would be performed by clerks, and the duty of the Judge would simply be to preside and to decide as to the validity of the ballots.

Hon. Mr. RYAN thought the Prothonotaries should be substituted for the Judges of the Superior Court.

Hon. Mr. PELLETIER said in the Province of Quebec some Prothonotaries were not even lawyers.

Hon. Mr. RYAN said it was simply a question of counting ballots, and he believed that duty could not be assigned to any class of people better qualified to discharge it.

Hon. Mr. HAVILAND was strongly of the opinion that the functions to be exercised by the Judges under this Bill, were judicial. It was not simply a work of addition, adding up the votes, etc., but

the Judge had to decide whether the ballots had been marked according to law—in fact to exercise the same functions as the higher Courts had already exercised in the Montreal West election case. He thought this Bill was a move in the right direction, as it would save time and expense, because it would enable the judges to decide such cases in a summary manner.

Hon. Mr. RYAN moved that the Committee be instructed to amend the 14th clause of the Bill by striking out the words "Judges of the Superior Court," wherever they occurred, and inserting in lieu thereof the word "Prothonotary."

Hon. Mr. FERRIER said he had a letter from one of the judges, in which very serious objections were raised to this Bill.

Hon. Mr. PENNY asked what difference there would be in deciding a question of this kind before a petition was presented and afterwards? It was only a matter of name; call it a "suit" and it was quite proper for the judges to try it, but call it something else and it was not proper. There was no other tribunal to decide a case in which a candidate thought himself counted out improperly but the judge. The prothonotaries were a very respectable class of men and discharged very important duties, but there was no reason why they should be made to do the duties of judges.

Hon. Mr. TRUDEL said the count would only be a preliminary proceeding, and the case would come before the judges again.

Hon. Mr. SCOTT said the decision of the judge would be final.

Hon. Mr. TRUDEL thought not. It seemed to him when all the Judges of the Superior Court of Montreal and Quebec, with one exception, had protested against this Bill, there must be something in that protest, and he hoped, at the very least, the further consideration of the Bill would be postponed until their suggestion should be received. The Judges of the Province of Quebec had already twice too much to do, and it was not fair

*Hon. Mr. Haviland.*

to impose those additional duties upon them. Why not ask the district magistrates to exercise those functions?

Hon. Mr. KAULBACH regretted that the opinion of the judges had not been received. In the absence of it, however, he was in favour of the Bill.

Hon. Mr. MACPHERSON said he would support the amendment, because he considered the duties imposed upon the judges by this clause would be lowering to the office. It was constituting them simply revisers of the duties of returning officers.

The House divided on the amendment; which was rejected on the following vote:—

#### CONTENTS :

##### The Hon. Messrs.

Alexander,	Ferrier,
Allan,	Hamilton (Inkerman),
Armand,	Macpherson,
Bellerose,	Muirhead,
Botsford,	Ryan,
Campbell,	Smith,
Carrall,	Trudel,
Chapais,	Vidal.—16

#### NON-CONTENTS :

##### The Hon. Messrs.

Baillargeon,	McLelan, (Lon'd'ry)
Benson,	McMaster,
Bourinot,	Macfarlane,
Brown,	Miller,
Chaffers,	Montgomery,
Christie (Speaker),	Paquet,
Cormier,	Pelletier,
Dever,	Penny,
Dickey,	Power,
Dickson,	Pozer,
Fabre,	Read,
Flint,	Reesor,
Girard,	Scott,
Haviland,	Seymour,
Haythorne,	Simpson,
Hope,	Stevens,
Kaulbach,	Sutherland,
Leonard,	Wark,
McClelan (Hopewell),	Wilmot.—38.

The House then went into Committee of the Whole on the Bill, Hon. Mr. Dickson in the Chair.

The Bill was reported without amendment, read the third time, on division, and passed.

# THE BOUNDARIES OF THE DOMINION.

ADDRESS TO HER MAJESTY.

A message was received from the House of Commons with the following address, in which the Senate was invited to unite :

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,—

We, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in Parliament assembled, humbly beg leave to approach Your Majesty for the purpose of representing :

That doubts exist regarding the Northerly and North-Easterly Boundaries of the North-West Territories and Rupert's Land, transferred to Canada by Order of Your Majesty in Council, of the 23rd June, 1870, incorporating the Territories of the Hudson's Bay Company and the North-West Territories with Canada.

That the discovery and working of minerals in the vicinity of Cumberland Sound, have recently been reported, and other matters have transpired which make it important that all doubt respecting the jurisdiction of Canada over those parts of British North America should be removed with as little delay as possible.

That correspondence has taken place on the subject, between the Government of Canada and the Government of the United Kingdom of Great Britain and Ireland, which, through the Right Honorable the Secretary of State for the Colonies, has intimated its willingness to transfer, to the Dominion of Canada, all the Territories in question, and has invited an expression of the views of the Government of Canada respecting the propriety of legislation for that purpose.

That it is expedient that the right of Canada to all of British North America, and the islands adjacent thereto, (not including the Province of Newfoundland) should be placed beyond question, and that the offer of Your Majesty's Government to transfer the said territories to Canada be accepted.

That, to avoid all doubt in the matter, it is desirable that an Act of the Parliament of the United Kingdom of Great Britain and Ireland, should be passed defining the North-Easterly, Northerly, and North-Westerly Boundaries of Canada, as follows, that is to say : On the East by the Atlantic Ocean, which boundary shall extend towards the North by Davis Straits, Baffin's Bay, Smith's Straits and Kennedy Channel, including all the islands in and adjacent thereto, which belong to Great Britain by right of discovery or otherwise ; on the North the Boundary shall be so extended as to include the entire continent to the Arctic

Hon. Mr. Scott.

Ocean, and all the islands in the same westward to the one hundred and forty-first meridian west of Greenwich ; and on the North-West by the United States Territory of Alaska.

That it is desirable that the Parliament of Canada, on the transfer of the before mentioned Territories being completed, should have authority to legislate for their future-welfare and good government, and the power to make all needful rules and regulations respecting them, the same as in the case of the other Territories ; and the Parliament of Canada expresses its willingness to assume the duties and obligations consequent thereon.

Hon. Mr. SCOTT moved : To agree with the House of Commons by filling up the blank with "Senate and."

The motion was agreed to.

The House adjourned at 5.40 p.m.

## THE SENATE.

*Monday, May 6th, 1878.*

The SPEAKER took the chair at three o'clock.

After Routine proceeding, the House adjourned during pleasure.

The House was resumed at 5 p.m.

## SUPREME COURT AMENDMENT BILL.

FIRST READING.

A Message was brought from the House of Commons with a Bill intituled : " An Act to amend the Act Chapter Eleven, Thirty-eighth, Victoria, intituled : ' An Act to establish a Supreme Court and a Court of Exchequer for the Dominion of Canada.' "

The Bill was read the first time.

The House adjourned at 5.15 p.m.

## THE SENATE.

*Tuesday, May 7th, 1878.*

The SPEAKER took the chair at three o'clock.

After Routine proceedings.

## FORT FRANCIS LOCK.

## REPORT OF THE COMMITTEE.

The Order of the Day being read for the consideration of the Report of the Select Committee of the Senate appointed to enquire :—

“ 1st. Whether the Fort Francis Lock when completed can be used for the purposes of commerce, in connection with the Canadian Pacific Railway, so as to form part of the through communication from Lake Superior to Manitoba, and if not, what improvements will be indispensable (in addition to the said Fort Francis Lock) to afford unbroken communication for steamers between the railway stations of Port Savanne (Lac des Mille Lacs) and Keewatin (Rat Portage) and the probable cost of such improvements ?

“ 2nd. What will be the use to the Dominion of the said Fort Francis Lock if it cannot be used for the purposes of commerce, in connection with the Canada Pacific Railway, so as to form part of the said communication ?

“ 3rd. What is the distance between the said Lock and the point nearest to it on the Canada Pacific Railway ?

“ 4th. What are the dimensions of this said Lock, its estimated and probable cost, the amount expended upon it and upon works connected with it, or in any way incidental to it, so far as is known ; the appropriation from which the money expended upon it has been taken ; whether such application of the money has been in all cases according to law, and whether the said Lock is being built by contract or otherwise ?

“ 5th. And generally to inquire into all matters relating to the Fort Francis Lock.”

Hon. Mr. MACPHERSON said :—I think the evidence which has been laid upon the table of the House will satisfy every hon. gentleman that, in asking for a Committee to enquire into the expenditure upon the Fort Francis Lock, as well as into the usefulness of that work, I only asked for that which was necessary in the public interest. The hon. Secretary of State, at the time the Committee was granted, admitted that if it had not been supposed a line of railway would have been practicable from Lake Superior to the waters of the Lake of the Woods, by way of Sturgeon Falls, the lock would not have been commenced. The evidence clearly shows that the lock cannot be used for purposes of commerce. If the Cana-

*Hon. Mr. Macpherson.*

dian Pacific Railway could have been constructed by way of Sturgeon Fall, then, unquestionably, the lock would have been of great service, as, by means of it, unbroken navigation would have been opened between Sturgeon Falls and the waters of the Lake of the Woods, at the Narrows, or at Rat Portage. This great water stretch would have formed the connecting link between the two ends of the Lake Superior section of the railway which is now being built, and perhaps, in this way, have served the purposes of the country sufficiently well for many years to come. Now, I maintain that the Government should have known, before they proceeded with the expenditure upon the Fort Francis Lock, that a suitable line for a railway could be found connecting with the water at Sturgeon Falls. The railway between Thunder Bay and Red River is not being built for the sake of the country it traverses. That country is a wilderness ; the reports of all who have passed over it agree that it is unfit for settlement, and, therefore, the railway is being built for the purpose of reaching the country beyond the Red River. It is simply a country that has to be passed over, and the more economically that that can be done the better. Suppose it had been determined to build a bridge across a broad river, what would be said of the engineer or of the Government who would proceed with the construction of an abutment on one side, and a pier in the middle, without first ascertaining whether it would be possible to build the abutment on the other side of the river in line with the pier and the first abutment ? Could anything be more imprudent than that would have been ; and if a suitable site could not be found for the second abutment, necessitating the abandonment of the work which had been done, would not the builders be held up to the world as men devoid of prudence and foresight ? Yet, that would be exactly parallel to what has been done in respect to the railway between Lake Superior and the Red River. The Government took it for granted that a line could be obtained from Sturgeon Falls to Rat Portage, and, without ascertaining the fact by survey, proceeded with the construction of the Railway from Lake Superior, by way of Shebandowan towards Sturgeon Falls, and with the Fort Francis lock. I think there can be but one opinion

as to the unwisdom of the course which the Government pursued in taking those steps. The Government are further chargeable with want of diligence. They succeeded to office in November, 1873, and it was not until April, 1875, that the Shebandowan section of the railway was put under contract, and not until June of that year was work commenced on the Fort Francis Lock. Now, here was an interval of eighteen months. Surely, if diligence had been used, it could have been ascertained in that time whether there was a feasible route from Sturgeon Falls westward or north westward. Surely an exploratory survey could have been made. Extensive surveys never were made between Sturgeon Falls and the Narrows of the Lake of the Woods, and they should have been made before the work on the Fort Francis Lock was undertaken. A survey of the Narrows was made under the direction of Mr. Dawson, measurements and soundings were taken and laid down upon a map. The engineers who visited the Narrows in 1875, as will be seen by the evidence, came to the conclusion that the islands were not exactly as represented on the map; but they made no actual survey to ascertain whether they were or not, and, without making a survey, they condemned the place as unsuitable for a railway crossing, and the line by that route was altogether abandoned. When the Government determined to abandon the route by Sturgeon Falls, whether on sufficient ground or not, and carried it 100 miles north of the Lock, they should also have abandoned the Fort Francis Lock, because that work would be of no use to the public, unless it connected with the railway. At that time the expenditure upon the Lock, as nearly as can be ascertained, had reached the sum of \$73,940. That was at the end of the season of 1876. Now, I think it would have been very much better for the country, and more creditable to the Government, if, when it was discovered that an error had been committed in commencing the construction of the Lock at Fort Francis, the Government had plainly and manfully admitted it, and said, "such was our desire to open up the communication with the North-West, that, taking it for granted that the railway could be extended beyond Sturgeon Falls, we commenced

*Hon Mr. Macpherson.*

the lock, but we now find that the line of that route cannot with advantage be selected for the railway, and, although we have expended nearly \$74,000 upon the lock, we consider it best in the public interest to stop the construction and to let that work remain unfinished." It would have been wiser to have done so than to have gone on with an expenditure which, according to the evidence, will amount to \$250,000 before the work is completed. The lock will be of no use as a part of the through communication; it will be of no use to the locality in which it is situated; and, therefore, the money expended upon it will have been practically thrown away. It would have been wiser to have put up with the loss of \$73,000 rather than to have persisted in error and so increased the loss to \$250,000, as is being done. I think it would have been very much more creditable to them if they had taken the country into their confidence when the error was discovered, instead of continuing the expenditure on the ground that it was a portion of the Pacific Railway. Last Session the Premier, speaking in another place, told the country that there were only a few short portages, which would be easily overcome, between the railway station at Port Savanne and Rainy Lake, and that the only serious obstacle on the route to Rat Portage was at Fort Francis. The hon. Secretary of State in this House reduced the portages to two.

Hon. Mr. SCOTT—Not last Session, certainly.

Hon. Mr. MACPHERSON — Even last Session the hon. gentleman said so, as will be observed by referring to page 70 of the official report of the Debates of the Senate.

Hon. Mr. SCOTT—It will be seen that I spoke in a general sense, and that I afterwards corrected the number further on.

Hon. Mr. MACPHERSON—Parliament was told as late as last Session, that the lock would be a useful means of connecting the two ends of the railway. Now, that has been proved to have been incorrect. The Secretary of State has repeatedly said that the Government were

forced to incur expenditure in connection with the Pacific Railway—that such was the pressure by the people of the country to have money expended, nominally for the advancement of the Railway, that the Government felt obliged to go on with the Fort Francis Lock before knowing whether it would be useful or not. I believe that in making this change, the Secretary of State does the great body of the people of this country grave injustice. It may be true that great pressure may have been brought to bear upon the Government by self-seekers and favorites to incur expenditure, and I fear they yielded to that pressure unwisely, but that the great body of the people wanted money expended without knowing whether it was usefully expended, is really a slander upon them. The evidence clearly shows that neither the water stretches, nor the lock, can be used as part of the through communication. As an improvement of local usefulness the Government has scarcely attempted to defend the lock. In the amendment moved by the Hon. the Secretary of State to the report of the Committee, and which is to be found in our minutes of Tuesday last, no attempt is made to defend the lock on that ground. It was clearly proved that whatever produce may be grown west of the lock, even if it were grown within sight of it, will descend Rainy River, and go by way of Lake of the Woods to Rat Portage, even if its destination should be eastward to Montreal, or Liverpool; and that even if any produce were grown on the shores of Rainy Lake, it would take the same direction. It could not be transported to Port Savanne, because the portages are insuperable obstacles. The Government seem rather favorable to a scheme for overcoming those portages, but which I cannot believe they, at the present time, seriously entertain. It is quite true the Secretary of State supported an amendment advocating a scheme which was submitted to the Committee by the superintendent of the Fort Francis Lock, and I am surprised that a member of the Government would for a moment allow himself to appear as a possible supporter of a project so impracticable and absurd. It was so in evidence by Mr. Mortimer, the engineer, that soon after the present Government came into power, an idea was entertained of improving the portages and

water stretches, on what is known as the Dawson route, and if that could have been done, and the route made useful as part of the through communication, it would have been a most desirable improvement, but it could only have been an improvement of the Dawson route—a temporary communication with the North-West, but not as the connecting link between the two ends of a costly railway. There are nine portages to be overcome between Port Savanne, near Lac de Mille Lacs and Rainy Lake. Mr. Mortimer was employed to survey the route and report upon the improvements necessary. He did so; and he told the Committee that the Chief Engineer came to the conclusion that the expenditure would be more than the improvements would be worth to the country. Mr. Mortimer submitted his plan to the Committee. It was to provide for transporting only ten tons per day, and he estimated the cost at \$341,000. Mr. Mortimer was asked by your Committee, “why not make it capable of carrying one hundred tons instead of ten tons;” he said it would cost a great deal more. The plan which was submitted by Mr. Sutherland, was estimated to cost \$150,000, and to provide for the transport of forty tons a day. The details of the plan will be found in Mr. Sutherland’s evidence. Mr. Baillairgé, an engineer in the employment of the Department of Public Works, reported that the lakes on the Dawson Route do not open before the 25th May, and that they close on the 20th October. Evidence was submitted to the Committee to the same effect. A witness said that one season, to his knowledge, Lake Shebandowan was not open on the 24th May, but that it opened on the following day. That proves the correctness of Mr. Baillairgé’s report. We have no evidence to show at what time the navigation closes. Persons travelling on that route I imagine, endeavor to get over it before winter sets in. I may state that my hon. friend from Kingston and myself camped on the shore of Lac des Mille Lacs on the night of the 8th of August last. It was very cold. The following night we camped on French Portage, and it was exceedingly cold, and our men told us in the morning that there had been frost during the night. The delicate foliage had assumed its autumn hue, and there was every appear-

ance of a continuance of cold weather. As we descended and went further west the weather became much warmer. Lac des Mille Lacs may be said to be on the height of land. I may state that I went up to Port Savanne, and I was told there that the frost was not out of the railway banks, and it was not expected it ever would come out of them. I was told that people digging for wells could only go a few feet down before coming to frost. Mr. Sutherland's scheme for improving the Dawson Route as a means of connecting the two ends of the railway, I really think bears absurdity upon its face. Mr. Marcus Smith, who was examined by your Committee upon that subject, said the navigation is closed for half the year. The navigation is closed for very much more than six months. It is really closed for eight months. One witness, examined before your Committee, who had been superintendent of transportation on the Dawson Route for Carpenter & Co., during two years, stated in his evidence that one hundred and twenty-five days was looked upon as a long season, and when you remember that Lake Shebandowan does not open until the twenty-fifth of May and closes on the twentieth October, you can see that there are only four months of navigation, or of a working season. Now, in view of that fact, let us consider what Mr. Sutherland's scheme is. His plan, I may say to the House, is to carry freight in cars without breaking bulk—that is, as I understand him, in small cars that would be run on tramways across the portages, and run on to steamers on the lakes without the contents being handled between Port Savanne and Rainy Lake. The freight would be transferred to a steamer on Rainy Lake, which would carry it without further transshipment through St. Francis Lock to Rat Portage, where it would be transferred again to the Pacific Railway and conveyed westward. I will ask hon. gentlemen to remember that the capacity of this route as proposed to be improved by Mr. Sutherland, is to be forty tons a day for a season of one hundred and twenty-five days. Mr. Sutherland put the rate of freight at from twenty-five to forty dollars per ton. I will take wheat, an article which all are familiar with, for the purpose of illustration. Thirty-three bushels of wheat, of sixty pounds, weigh in round figures

*Hon. Mr. Macpherson.*

one ton. The lowest rate of freight named by Mr. Sutherland—twenty five dollars per ton—would make the charge for wheat seventy-five (nearly seventy-six) cents per bushel from Winnipeg to Fort William. The rate of freight from Fort William to Montreal may be assumed at not less than fifteen cents. That would be ninety cents per bushel from Winnipeg to Montreal. I would ask my hon. friend from Manitoba how much would be left to the producer of wheat in Manitoba if he had to pay ninety cents per bushel for freight to Montreal? I further ask the House if it is likely that anyone would pay that rate, when the rate of freight from Winnipeg to Montreal by Duluth is only thirty-five to forty cents per bushel, or less than one-half the rate which Mr. Sutherland said would have to be charged by way of the portages and railway. Then, again, the westward freight I put at the lowest rate he named, twenty-five dollars per ton. The Government have had freight carried at fifteen dollars a ton—a very high rate it is—from Duluth to Winnipeg; or ten dollars less per ton than would have to be charged by Mr. Sutherland's route. I ask if this is a project to be entertained by the Government of this country? Then take the capacity of the route if improved as proposed. Mr. Sutherland estimated its capacity at about forty tons a day each way. I shall again take wheat for a standard of illustration. Thirteen hundred and sixty bushels weigh about forty tons. I will take fifteen hundred bushels, as the daily capacity of the route each way, which for one hundred and twenty-five days (the full season) would be one hundred and eighty-seven thousand five hundred bushels. Hon. gentlemen know that Manitoba produced last year a surplus of two or three times that quantity. What is the bulk of one hundred and eighty-seven thousand bushels of wheat? How many vessels do hon. gentlemen suppose it will load? The vessels that will pass through the enlarged Welland Canal will have a carrying capacity of sixty to seventy thousand bushels, so that if the Sutherland route was occupied to its full capacity through the entire season, it could only carry equal to three cargoes of wheat. Is it surely unnecessary to say more to prove the utter absurdity of the scheme. The chief object of open-

ing this communication, is for the purpose of getting immigrants into the North-West. Mr. Sutherland very frankly said he did not expect the route would be attractive to passengers, and that he intended it as a freight line. I have shown what its utmost freight capacity would be, and that the rates by it would be twice as much from Winnipeg to Montreal, as by way of Duluth. Now, I ask again is this a project to be entertained by the Government of this country? It is exceedingly desirable, that the produce of a harvest should be got to market as quickly as possible, and one great desideratum for the people of Manitoba, is facility to get as much as possible of their harvest to market during the season it is produced. To what extent would the Sutherland improvements aid in achieving that object? It cannot be assumed that the forwarding of the harvest to market would be commenced before the 20th of September, and we have evidence to show that the water stretches are unsafe from ice after the 20th October; so that there would be but thirty days after harvest during which the route would be available for the transport to Lake Superior of the produce of the North-West. The capacity of Mr. Sutherland's scheme would be only fifteen hundred bushels a day, which for thirty days would be forty-five thousand bushels, or less than one cargo. There would be no possibility of carrying on business on such a scale. Vessels would not call daily at Fort William for dribbles of fifteen hundred bushels of grain; but, unless they did, the produce would have to be stored until a cargo accumulated, which is what no owner of grain would submit to. The great object is to get it to market as early and as rapidly as possible. Ships would have left Montreal and Quebec before any considerable quantity of Manitoba grain could be got to those ports. It must be perfectly manifest to every hon. gentleman who has given the matter consideration that the route, with the proposed improvements, would be utterly useless for purposes of commerce. I think I have shown that the scheme is simply ludicrous. Now, consider the approaches to Mr. Sutherland's proposed tramways. At the Lake Superior end there would be a railway seventy miles long to Port Savanne, and at the other end a railway one hundred

and fourteen miles long, from Rat Portage to Red River—a costly first-class railway when finished, although it is now being constructed in a temporary manner; but, even constructed only temporarily, the Prime Minister stated in another place, a few days ago, that it would cost \$25,000 a mile. It is to be laid with steel rails and equipped as such railways are understood to be. I ask hon. gentlemen to consider what will be the result. A larger quantity of freight cannot be carried on the two ends of this costly railway than can be carried on the central division by Mr. Sutherland's tramways. If the central division is equal only to the transport of forty tons a day, that is all that can be transported on the two ends. What do forty tons represent in an ordinary freight train? It means just four car loads, so that the contents of four freight cars are all that could be forwarded daily over the central division. Instead of running a daily train of four cars all that would be necessary would be to run weekly an ordinary freight train of twenty-four or twenty-five cars. It has been stated in another place by the Prime Minister, that the two ends of the railway, when fully equipped, will cost five millions and three-quarters of dollars. But what equipment will they require until the centre division is finished? Is it fair and right to represent the equipment of those two pieces of railway as being equal to the equipment of such a road as the Pacific Railway is expected to be, and as the Intercolonial is? All that would be required until the central division is completed, would be a couple of locomotives at each end, thirty or forty freight cars, and a passenger car which would have to be put on for appearance sake. It is said to be the intention of the Government to leave the central section of the road, from Port Savanne to Rat Portage, incomplete for some years to come. The hon. Secretary of State said it was pressure from the people that made the Government proceed with the lock, and with the two ends of the railway before the country was surveyed throughout. In saying this, he does the people very great injustice. The Government may have been influenced by a desire to put the steel rails out of sight. I may remark, before I move the adoption of the report, that the depth of the Fort Francis Lock has been

reduced nearly one-half, from 7 feet to  $4\frac{1}{2}$  feet. Your Committee found that the Government was warranted, under a vote of Parliament, in spending money upon the lock, but not in the manner in which they have expended it. The Pacific Railway Act declares that all works constructed under it shall be constructed by contract, and not by day's labor. The Fort Francis Lock was considered, and declared by the Government to be, a portion of the Pacific Railway, and the money expended upon it was taken from the appropriations for the Pacific Railway; therefore it should have been done by contract, and not by day's labor. I think this House will agree with me that there was a necessity for this enquiry, and that the report of the Committee is fair and moderate. I beg to move its adoption, seconded by the Hon. Mr. Campbell.

Hon. Mr. SCOTT—The subject has been so frequently before this Chamber the last two Sessions, that I deem it unnecessary to go as fully into the history of the Fort Francis Lock as I would had the House not been informed by the discussions that have taken place of the true bearings of the whole subject. It will be necessary, however, very briefly to advert to the early inception of what is known as the Red River Route. We all know that in 1868 and 1869 this country felt it necessary to open communication through British territory with the North-West. Mr. Dawson was placed in charge of the line between Lake Superior and Manitoba, and what was known as the Dawson Route, was opened up. That route proved to be an extremely expensive one to the people of this country. We have had evidence to show that down to the time of the change of Government, the sum of at least one and a quarter millions of dollars had been expended on the communication between Lake Superior and Winnipeg. I mention this because it must necessarily convey to the House an idea of how extremely expensive are works carried on in that section of the Dominion. It was considered by the people that there should be a line of communication established between Lake Superior and Winnipeg through our own territory; because it was felt that we should not be entirely dependent upon the American route. The Dawson Route, however, was

*Hon. Mr. Macpherson.*

practically a failure, because the number of persons who went through in that way was so insignificant that one cannot refer to it as affording the channel that was originally contemplated for travel; nor did it justify the large sums of money that were voted by Parliament from time to time in order to keep it open. The Dawson Route lay in a direct line from Thunder Bay by Shebandowan, thence followed a line of lakes, rivers, and small portages to Rainy Lake, thence down Rainy Lake to Lake of the Woods, and from Lake of the Woods to Manitoba. When Canada decided to build the Pacific Railway, the section that we considered of primary importance was that portion between Lake Superior and Red River, and in seeking a route for the proposed railway we naturally looked to the only section of the country that was then known—that portion of the country through which the Dawson Route passed. In addition to that, Mr. Dawson, from the time he had been originally charged with the opening of that route in 1869, had from time to time brought under the notice of the Government the great facilities that were presented for the construction of a railway by his particular route—that is, from Thunder Bay to Shebandowan, thence to Sturgeon Falls, and from Sturgeon Falls to the Narrows of Lake of the Woods—and his recommendations were considered of sufficient importance to be embodied in the report of the Minister of Public Works. When the railway staff first sought for a line they naturally took the only section of country that was known that led in the direction indicated by Mr. Dawson, and in making explorations they had no difficulty in reaching Shebandowan, and from that point to Sturgeon Falls, an arm of Rainy Lake, and some ten or twelve miles beyond it. Finding that line a practicable one, it was located, and believing that Mr. Dawson had proved a good authority up to that time, and that his conclusions regarding the country from Sturgeon Falls to the Narrows might be taken, the Government at once commenced the construction of the line, knowing the desire that existed that as speedy communication as possible should be opened up with Manitoba. Acting on that belief, and anxious to facilitate the opening up of the

line, the Government naturally looked to the improvement of such portions of the water-ways as would give us a considerable length of communication in connection with the railway. Rainy Lake and River, and Lake of the Woods presented a good water communication of over 180 miles, interrupted by only one obstacle—the falls at Fort Francis, a slight rapid above it, and a couple of small rapids further down the river. By the removal of those difficulties it was apparent that we had water communication from Sturgeon Falls, the supposed point where the railway would touch the waters of Rainy Lake, to the Narrows of Lake of the Woods, and, in view of that, it was perfectly justifiable, and, indeed, it was the true policy of any administration, to at once seek to make that communication perfect; and that was the object of the Fort Francis Lock, and the removal of the difficulties in the river. A year ago most extravagant statements and criticisms were made in this Chamber, and elsewhere, of the enormous sums of money that were being wasted by the Government in that country, and the improvements to the water-way were put down at from four to five hundred thousand dollars. It was used, of course, as a political lever to mislead the public. But what have the labors of this Committee disclosed? By their report it will be seen that the whole improvements on the lock and in removing the difficulties in Rainy River will involve the expenditure of \$250,000. That is the sum total required to be expended in order to give us that long water stretch of 180 miles. Hon. gentlemen will recollect that for nearly two years the engineers prosecuted their explorations between Lake Superior and the Narrows of Lake of the Woods. They had reached a point in the second year twelve or fourteen miles beyond Sturgeon Falls. For nearly a season and a half subsequent to that they endeavored to find a line from Sturgeon Falls to the Narrows, or to Rat Portage. Mr. Dawson had made so many representations, and he proposed to have made an exploratory survey—

Hon. Mr. MACPHERSON—No; not between Sturgeon Falls and the Narrows of Lake of the Woods. He made no survey there.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT—Mr. Dawson said he had information that satisfied him that a practicable line could be found between Sturgeon Falls and the Narrows. He assumed that such was the case, and the only apparent difficulty was in the crossing of the Lake of the Woods at the Narrows, of which he said he had an accurate survey and soundings taken. My hon. friend from Saugeen said, in making his observations, that the line of country between Sturgeon Falls and the Narrows was not thoroughly surveyed.

Hon. Mr. MACPHERSON—Not exhaustively surveyed.

Hon. Mr. SCOTT—The gentlemen on whom I shall rely for evidence on this point, are Mr. Fleming and Mr. Rowan, who were examined before the Committee. Mr. Fleming, in adverting to that last year, said:—

“Sometime afterwards, the importance of getting a direct route that would tap the navigable waters of Rainy Lake at Sturgeon Falls, being fully understood, we again attempted to get a line for a railway in that direction. We succeeded in getting a practicable line from the east to Sturgeon Falls, and a little further west, but where we encountered an exceedingly rocky, broken, rough, impracticable country, and we were compelled to abandon any further examinations in that direction. . . . I should state here that we have made surveys in every conceivable direction through the whole of that country, and I feel satisfied we have now got the line located on the shortest and best route that can be had between Rat Portage and Thunder Bay. I do not mean to say that it cannot be improved, as I hope we shall yet be able to improve the located line in some parts before construction actually begins.

Q. Had you the country between Sturgeon Falls and Lake of the Woods thoroughly surveyed and explored.—Yes; we went in from both ends and had explorations made, but the reports were so extremely unsatisfactory that we did not deem it advisable to make further surveys. Instrumental surveys were continued, but we were driven off the direct line altogether.

Q. Did the operations extend north and south over a considerable portion of the country?—Yes; they explored to the right and left over a considerable area.

Q. What is the character of the country east of the Narrows of the Lake of the Woods?—The country is very much like a continuation of the Lake of the Woods, full of lakes and islands—about as much water as land. You can hardly tell where the lake begins, and where the land ends. That is the general character of the country.

Q. Is it so north of Sturgeon Falls as well as west?—Yes, north and west from Sturgeon Falls. I speak of what is called the country to the east of Lake of the Woods. It is full of islands and inlets, and deep water filled channels."

In addition to that, we have the evidence of Mr. Rowan, assistant Engineer-in-Chief, who was directed by Mr. Fleming to visit the Narrows of Lake of the Woods to endeavor to ascertain whether a crossing could be found. Mr. Rowan states in his evidence, that he visited the spot, and the islands, as laid down by Mr. Dawson on his plan, do not exist. Those islands were to have formed the abutments of the proposed bridges; and the depth of water, in some instances, was from forty to sixty feet, and the width of the channel, in several cases, was from one-eighth to half a mile. He pronounced it utterly impossible that a crossing could be found by the Narrows. In addition to that, Mr. Harris, another gentleman attached to the staff of the Pacific Railway, and employed in that country, was called to give evidence. He had gone there to point out the Narrows to Mr. Hazlewood, the engineer in charge of that section, to ascertain whether in his opinion a crossing could be obtained. Mr. Hazlewood is, unfortunately, not now alive, and his evidence cannot be obtained; but Mr. Harris stated that Mr. Hazlewood was so satisfied that the crossing was impracticable, that he did not deem it necessary to make an instrumental survey of it; that he did not find the islands at all, as they were laid down by Mr. Dawson on his plan. As it had been stated that these islands had been actually located and laid down on the boundary survey, the plan was obtained, but it bore out the statement of Mr. Rowan and Mr. Hazlewood, that the islands were not as laid down by Mr. Dawson on his plan, and that disposed of the practicability of crossing at the Narrows, as it was absolutely impossible. We had the evidence of those three professional gentlemen who had visited the spot, and the evidence of the Chief Engineer, who had gathered his information from the reports that had been from time to time brought to him by his assistants, all pointing in the same direction. An effort had also been made to connect Rat Portage with Sturgeon Falls. A body of

explorers and engineering corps had been sent up to explore the country, but it was found impossible to locate a line, and it had to be abandoned. At the time of this abandonment, hon. gentlemen will recollect that the works at Fort Francis were under way, and the sum of \$73,000 had been expended. The hon. gentleman says it would have been a proper thing for the Government to have then abandoned any further expenditure on the work. The Government thought differently, however. They felt it must be some very considerable time before the railway communication could be completed between Lake Superior and Winnipeg, as it involved a distance exceeding four hundred miles, through a country that presented many grave difficulties; that the central section was one of the most expensive portions of the line, and it could not be got at until the road had been constructed from both ends. The hon. gentleman says we have abandoned the middle section; I say we have not.

Hon. Mr. MACPHERSON—I asked if the Government were going to abandon it.

Hon. Mr. SCOTT—We never contemplated abandoning it. But it seems impossible, for any reasonable cost, to go on with it at present, as it is a country that is totally unexplored; unless you go in from either end, and had the policy the hon. gentleman advised—building from only one end—been adopted, it would have delayed the construction of the road for many years, as only one contractor could have gone on with it. I have stated that it is impossible to name the period within which that intermediate link of of 180 miles can be constructed, but I put it at about five years—it might be more or it might be less. As one-third of the whole cost of the improvements on Rainy River had been incurred, we did not think it was advisable to abandon them; and I have no doubt if they had been abandoned the hon. gentleman would have been prepared to censure the Government for having done so; instead of having given us credit for thrift, economy and wisdom, he would have condemned us because we had not gone on and utilized the work, as in my judgment it can be utilized. I

have always stated frankly in the discussions that have taken place in this House with reference to this work, that it would not have been commenced had it not been believed that the railway would have gone to Sturgeon Falls. If it had, it has been admitted by every one that this work would have been of great advantage. The hon. gentleman belittled very much a project which I thought worthy of bringing before the notice of the Committee, that was, Mr. Sutherland's suggestion of utilizing the portages and water ways between Rainy Lake and Port Savanne, the point where the railway will strike Lac des Mille Lacs. The hon. gentleman has stated that there were nine portages to be overcome between Port Savanne and Rainy Lake. My remembrance of the evidence was that it was six, and Mr. Sutherland gives that number in his evidence.

Hon. Mr. M<sup>C</sup>LELAN—He makes it six after having connected some of the water-ways by improvements.

Hon. Mr. SCOTT—Mr. Sutherland submitted a plan which, to my mind, seems to be reasonable—without admitting that the Government are in favor of it, or that it has even received their consideration; still I thought it was worthy of placing before the Committee. His proposition was this: that, with an expenditure of \$150,000, he could place tramways on the portages, and, by means of horse-cars, would be enabled to transport passengers and freight at as cheap a rate as is at present charged between Duluth and Winnipeg, and he put down the amount of freight per day, exclusive of passengers, at forty tons. He did not speak of it, nor did I urge it, as a probable route by which wheat would be carried through. It was simply regarded as a temporary expedient that would be available for the transport of merchandise and for emigrants; because it was urged that the emigrants who now pass through the United States are beset on all sides by American agents who are interested in diverting emigration to the United States, instead of into British territory. It was, therefore, urged that if we could utilize our own route by the expenditure of \$150,000, it was worthy

*Hon. Mr. Scott.*

of consideration. Mr. Sutherland computed that the time spent between Lake Superior and Winnipeg, would not be any greater than by the present route. I am now speaking of it as the American route at present exists, not as it would be if there were through railway communication between Duluth and Winnipeg. It may be that we may have to adopt that scheme. I am merely uttering this expression quite unauthorized; but I cannot see, without choosing to disclose circumstances that might arise in the future, how it would not be advisable and prudent for us to have this communication through our own territory, and \$150,000 would be a small sum compared with the large annual expenditure of former years on the Dawson route, of a million and a quarter of dollars. The hon. gentleman had no condemnation for that expenditure at the time, but here is a substantial improvement, costing absolutely less than was expended in one year on the Dawson Route, by which we could transport passengers and freight to Winnipeg in the same time that is now occupied in travelling from Duluth to Winnipeg. I am not prepared to say that the Government are going to adopt this scheme, or that it has received that consideration at our hands that would justify me in making such an announcement, but it is a project that has been submitted by Mr. Sutherland, whose testimony has been borne out by Mr. Gardner and Mr. Carpenter, who gave evidence before the Committee. The latter gentleman said he had made some such proposal himself when he first took charge of that line, and he believed that had the Government then acceded to his proposition, the line could have been made a useful one, as by putting tramways at the portages, it would have enabled him to carry a larger amount of freight and traffic, and to compete with the American line. The hon. Senator in alluding to this question referred to the plan proposed by Mr. Mortimer; but Mr. Mortimer did not speak with a knowledge of all the facts. His estimate of the cost of removing the obstructions from Rainy River, for instance, was considerably in excess of what it will really cost, and his proposition for tramways for utilizing locomotives instead of horse power, was

an expensive one, and was a work far beyond the temporary structure proposed by Mr. Sutherland. Mr. Sutherland's proposition, to my mind, seems very feasible, and one that might be adopted with very great advantage. I think this is the first time this House has taken upon itself the responsible duty of condemning the Government for an act or policy which was quite within the proper scope of their action, and in which it cannot be alleged that the Ministry were influenced by anything but a desire to benefit the people of this country. It cannot be alleged that any particular persons were to be benefited by it. There were no incidental advantages in any possible direction. It was simply conceived in the best possible spirit, and in an anxious desire to meet the well expressed views of the people of Canada, that we should have communication through our own territory, at the earliest possible period, with the North-West. We all know the enormous cost of sending through the military expeditions under Sir Garnet Wolseley, a few years ago. I do not know what particular event might occur that might necessitate our sending troops through to that country again. I hope the day is far distant when we will have to do anything of the kind; still it is the duty of the country to be fore-warned and fore-armed, and the Government might some day be severely censured if they had not made proper efforts to have a line of communication through our own territory to Manitoba. If it could have been urged that the Government had any motive to serve other than that of the general public interest, there might have been some justification for the formation of this Committee, but their report, if it is analysed, simply shows that the work could have been abandoned when the Government abandoned the southern route for the railway. They did not pretend that the Government had not acted wisely in building the lock if the southern route had been adopted. Two members of the Committee dissented from this report, and presented a report which appears in the Votes and Proceedings. I thought myself, on looking over the printed report, that the minority report should have been included in it. I do not know that the practice of the House would justify the publication of the minority report, but I think it ought

*Hon. Mr. Scott.*

to have been included with the other, so that it would be in the possession of members of this House, and go before the people of the country.

Hon. Mr. MACPHERSON—I gave no instructions to the Committee as to the omission from the report of the paper to which the hon. Secretary of State refers. It struck me, when I saw this report, that the other ought to have formed a part of it, and I asked the Clerk of the Committee about it. He said he had followed the only precedent which was to be found in our records; but I should here say the Secretary of State is wrong in describing it as a minority report. It was moved as an amendment to the motion for the adoption of the report. I desire to give my authority for saying that there had not been an exhaustive survey between Sturgeon Falls and the Narrows of Lake of the Woods. It was the evidence of Mr. Rowan, which will be found on page 66 of the report, where he was asked distinctly if an exhaustive survey had been made there, and he replied there had not been.

The report was adopted on a division.

## SUPREME AND EXCHEQUER COURTS LAW AMENDMENT BILL.

### SECOND READING.

Hon. Mr. SCOTT moved the second reading of the Bill (68) "An Act to amend the Act, Chapter Eleven, "Thirty-eight Victoria, intituled: "An Act to establish a Supreme Court and "a Court of Exchequer for the Dominion "of Canada."

He said the object of the Bill was to make some minor changes in the Supreme Court Act. The most important seemed to be one requiring the judges to hold four terms instead of two, as at present.

Hon. Mr. CAMPBELL said there was more in the Bill than the hon. Secretary of State seemed to be aware of. He quite agreed in the provision to which the hon. gentleman had called attention—the creating of four terms instead of two, but the second clause proposed to substitute a

new language for the existing clause, number seventeen, and the difference he thought, was very important with reference to the Courts of the Province of Quebec. The original language of the clause was:—

“Subject to the limitations and provisions hereinafter made, an appeal shall lie to the Supreme Court from all final judgments of the highest Court of final resort, whether such Court be a Court of appeal or of original jurisdiction, now or hereafter established in any Province of Canada, in cases in which the Court of original jurisdiction is a Superior Court, etc.”

In this Bill the words “highest Court” were left out. The change was very important for Quebec, where there were two Courts of final resort, one being the Court of Appeals, and the other the Court of Review, the former composed of the judges of the Queen’s Bench, and the latter of the judges of the Superior Court. The decisions of the Court of Review in Lower Canada were considered to be final, and up to the present time the Supreme Court had held that there was no appeal from that Court. The object of this Bill was to change the right of appeal from the Court of Appeal and Court of Review, and to change it in such a way as to carry the right back to cases now in Court, which, he was sure, if the hon. Secretary of State had so understood he would not have failed to direct the attention of the House to it. It seemed to him to be doubtful whether it was desirable to give the right of appeal in cases which had gone to the Court of Review. If a man desired to have his case appealed in Quebec he could refrain from going to that Court; if he took that course he would put his case in the way of being appealed; the law of Lower Canada had so established it and it was entitled to consideration in that particular. Under the Constitution the various Provinces were empowered to organize Courts of Appeal, and it did not follow because this Parliament had jurisdiction to create a Court of Appeal for the Dominion that it did away with the rights of a Province to establish a Court and say its decisions should be final. The Province of Quebec had a right, under the Constitution, to organize the Court of Review, and say that its decisions should be final, and it seemed to him that their decision in that respect should prevail, and the right of appeal

*Hon. Mr. Campbell.*

from it should not be established as this Bill proposed to do. But supposing the gentlemen from Lower Canada should take a different view, there should be a provision introduced into the Bill to prevent its application to cases now before the Court, or cases pending. The effect of the Bill would be to give the right of appeal where it did not now exist. He suggested that this Bill should be referred to a Special Committee of professional men to see whether it should go through in its present shape.

Hon. Mr. SCOTT said the Bill had not been yet distributed as it had passed the Commons, and he thought it would be better to leave the discussion on it until the next stage. The hon. gentleman from Kingston had raised the point as to whether the Court of Review under the Constitution should be recognized as an ultimate Court. He dissented from that view. If that proposition were a sound one, then it would be competent for all the Provinces to make their Courts those of final resort, and defeat entirely the Court which the Dominion had established. If the Dominion had the right to establish a final Court of Appeal, it necessarily followed that all the other Courts should be subsidiary to it. The point that had been raised by the hon. gentleman from Kingston with reference to *ex-post-facto* legislation, was one to which he would like to give some consideration before passing an opinion.

Hon. Mr. TRUDEL said the Bill was one of very great importance to Quebec, as there was no doubt it seriously interfered with the administration of justice in that Province. Under the British North America Act it was left to the Province to organize their courts, and the effect of this clause would be to destroy altogether the superior jurisdiction of the Court of Appeal. The Court of Review was not properly a Court of Appeal; it was the Superior Court reviewing its own judgments—it was so much so that according to law the same judges who rendered judgments in the Superior Court, could sit in the Court of Review. It was not considered by any one as a Court of Appeal. This clause would practically destroy any appeal from the inferior tribunals in that Province, as the first

appeal would be to the Superior Court. It was well known under the existing laws of Quebec, which were peculiar to that Province, it was quite natural that, having in the persons of the five judges of the Court of Appeal, men who were well learned in the laws in force in that Province, the people had more confidence in that court than in any other tribunal. This Bill would allow parties to escape the jurisdiction of that Court of Appeal, and he thought it should not be allowed even to pass the second reading.

Hon. Mr. POWER said, with regard to the alteration in the number of terms of the Supreme Court, that from the information he had obtained, four terms would be too many, and he did not think they were rendered necessary by the amount of business before the court. At the last term there were only twenty-two cases inscribed, and there were only seven cases inscribed for the coming term in June. This represented say thirty cases a year, and it hardly required four terms to dispose of that amount of business. The ground had been taken by some gentlemen who favored the Bill, that it would accelerate the business of the court, and judgments would be rendered more promptly. He failed to see how it would have that effect, as the judges now rendered their decisions whenever they were ready, without waiting for any particular term. In addition to their duties as Supreme Court judges, sitting *en banc*, they had also to perform other duties in trying Exchequer cases, and cases on petitions of right which obliged them to leave Ottawa frequently for that purpose; and if there were four terms of the Supreme Court it would interfere with those duties. In one or two important cases in Nova Scotia, there had been a good deal of difficulty in getting the judges to go down there under the present system; and if the number of terms was increased to four, it would increase the difficulties of getting the judges to try those cases. The Bill provided that the autumn term should commence on the first Monday of October. The vacation of the Court ended at the beginning of September, and as under the rules of the Court cases for argument had to be entered at least a month before the Court met, the practitioners would be

Hon. Mr. Trudel.

obliged to prepare their cases during vacation, in order to enter them on the first of October. He had understood that there was a feeling in the minds of a great many members of the profession that three terms would be sufficient, commencing on the first Mondays of January, June and November.

Hon. Mr. CAMPBELL said he also had had conversation with gentlemen who had considerable practice before the Supreme Court, and they had informed him that four terms would expedite the business of the Court very much.

Hon. Mr. PELLETIER said the general impression seemed to be in favor of four terms.

The Bill was read the second time on the understanding that the House was not committed to the principle of it, and the debate would be continued at the next stage.

## THE PACIFIC RAILWAY ACT AMENDMENT BILL.

### THE COMMONS DISAGREES WITH THE SENATE AMENDMENTS.

Mr. SPEAKER read the following Message from the Commons:—

“HOUSE OF COMMONS,  
Monday, 6th May, 1878.

“Resolved, That a Message be sent to the Senate to acquaint their Honors that this House disagrees to their amendments to the Bill (No. 52) intituled: “An Act to amend ‘The Canadian Pacific Railway Act, 1874,’” for the following reasons:

“Because it is contrary to the uniform practice of Parliament that contracts into which the Executive is authorized to enter should be made subject to the approval of the Upper Chamber.

“Because in recognition of the practice the Executive was authorized by the Canadian Pacific Railway Act of 1874, to make all contracts for the construction of that great work, subject to the approval of the House of Commons only.

“Because in further recognition of the practice the Executive was by the same Act authorized to make contracts for leasing or working one of the Branch Railways in connection with any other Railway subject to the approval of the House of Commons only.

"Because on the principle on which the approval of the Senate was not required to such contracts, it ought not to be required to a contract for leasing or working another of the Branch Railways.

"Ordered, That the Clerk do carry the said message to the Senate.

"Attest.

"ALFRED PATRICK,  
"Clerk of the Commons."

The messenger having withdrawn,

Hon. Mr. CAMPBELL said:—It is to be regretted that there should be any conflict of opinion between this House and the other branch of the Legislature upon any subject, particularly with respect to a question such as this. Hon. gentlemen are aware that in those contests the upper branch of the Legislature usually suffers. Then, there are attributes and strength about the Lower House which we have not, and in the contest for what is right and constitutional, we should bear in mind that there are many influences against us. For my part, I think I speak the sentiments of every hon. gentleman in this House, when I say we wish to approach this subject with very great consideration, and with every desire, as far as possible, to avoid anything which will be calculated to make wider any possible breach between the two Houses. At the same time it is necessary, in my humble judgment, that the duties of this House should be discharged, if hon. gentlemen conceive themselves to be in the line of such duty, even if it brings us, unfortunately, into the position which I so much deprecate. When this Bill came before this branch of the Legislature it provided for the disposal of an important public work, and the terms of its disposition were to be settled without this House having an opportunity of pronouncing upon those terms. A very large majority of this Chamber thought it was taking from the Senate an opportunity of discharging their duty upon a very important public matter—not a contract for which a sum of money was to be paid, but with reference to the course to be pursued in leasing a public work peculiarly situated and likely to control for some years to come the whole trade of the North-West and of Manitoba. A majority of this House thought it was

*Hon. Mr. Campbell.*

essential that this Chamber should have an opportunity of pronouncing upon the terms of that lease which was to govern the course to be pursued by the Government with reference to that railway for a period of ten years. I am surprised that the Government did not proceed in this measure by a Bill which would have embodied in it the lease—which has been done on several occasions in the past history of the Dominion. I am not aware whether the lease is in existence or not. I had supposed a few days ago, partly from the observations of the hon. Secretary of State, that it was likely to be in existence in a day or two, and I think the hon. gentleman said he would gladly have seen a little delay, so that the Government might have an opportunity, perhaps, of submitting it to the House. If the lease is in existence it certainly would have been far better to have proceeded by Bill embodying the lease, so that the House would have an opportunity of seeing its terms. If it is not then in existence, and it was necessary to anticipate it by legislation, it should have been provided that the lease, when prepared, should have been laid on the table of both Houses, as it involves the future of a very important and peculiarly situated railway. The reasons given by the Commons for dissenting from the amendment which was passed in this House, in the direction of which I have spoken, is as follows:—

"Because it is contrary to the uniform practice of Parliament that contracts into which the Executive is authorized to enter, should be made subject to the approval of the Upper Chamber."

I think that overstates the practice of Parliament. The practice of Parliament is, I think, that contracts involving the expenditure of money for the prosecution of works which have been sanctioned by Parliament, should be laid before the Lower House only, but to say, as this does, that all contracts into which the Executive is authorized to enter should be made subject to the control of the Lower House only, is pushing the doctrine and practice of Parliament further than precedents establish it, and to a degree which, I think, will be found to be very injurious to the public interest.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—If it is necessary to have two Houses at all, then I think in a matter of such great importance as this to the future of the country, we should have an opportunity of pronouncing upon the terms of the lease, involving as it may possibly do, the course of the whole traffic of the North-West and Manitoba, until the all-rail route from Fort William to Winnipeg is established through our own territory. That lease, if it is not drawn in the interests of the country, might have a tendency to direct all the trade and traffic of our North-West through the United States, and if drawn in another way, it might have the effect of diverting that trade to the port of Duluth, and thence to Quebec *via* the St. Lawrence. I cannot see why there should be a reluctance to afford this House an opportunity to pronounce upon the terms of that lease. I cannot imagine that there is any sound reason for refusing it, and I do not think any sound reason exists. It cannot be that we are not as much interested in it as the other branch of the Legislature; it cannot be that we are so prejudiced and so influenced by party feeling, and a desire to thwart the policy of the Government, that this it may be important policy, should be pursued without our sanction. I do not think so poor a compliment can possibly be paid to us. I say this with reference to the first reason that is given by the Commons, that it is pushing entirely beyond any authority that can be given for it, to the inconvenience of the public service, to the detriment of the public interests, and in a way to certainly diminish the opportunity for the usefulness of this House. The second reason is:—

“Because in recognition of the practice the Executive was authorized by the Canadian Pacific Railway Act of 1874, to make all contracts for the construction of that great work subject to the approval of the House of Commons only.”

That was the course taken under the Canada Pacific Railway Act of 1874, and for my part I do not object to that. I think all contracts for the completion of works for which the Commons has voted money should be submitted to the Commons only.

*Hon. Mr. Campbell.*

The contracts may, or may not, run over several sessions, and it has been the practice of Parliament that the Commons should keep their hands upon such contracts, and be in a position to deal with them at any time it may be found necessary.

The third reason is:—

“Because in further recognition of the practice, the Executive was by the same Act authorized to make contracts for leasing or working one of the branch railways in connection with any other railway, subject to the approval of the House of Commons only.”

From the fact I do not dissent, but from the conclusion I do dissent very much indeed. I beg to draw the attention of the House to this fact in connection with it. In the first place, the railway referred to is not a portion of the Pacific Railway, as one would infer from the reading of this reason. It is a railway for the purpose of connecting the eastern end of the Pacific Railway with the Canada Central. That piece of railway the Pacific Railway Act authorized the construction of in one of two ways; either by a company or by the Government, and the provision to which reference is made in this reason, is for the leasing of it if constructed by the Government. Undoubtedly this is an instance of the power being granted which is claimed in this case, because the lease was not to be laid on the table of this House, but I dissent from it, from the circumstances under which that Act was passed, and which, I think, were such as to prevent any conclusions being drawn, so far as members of this House are concerned, in the direction which this reason seeks to give. The Act was brought up during the last days of the Session of 1874, and was only in Committee the day before the prorogation. Those members who were present on that occasion, will recollect we were not able to go through it clause by clause. A great deal of it was passed *en bloc* for want of time, and, in the hurry of the moment, this clause escaped observation. I am quite sure if it had been observed, a check would then have been placed on the effort which was made to pass by this House, and carry on important matters of Government, such as leasing railways, without requiring the sanction of the Senate. I think it is our undoubted

right to have an opportunity to pronounce upon the lease of an important railway. When this question was under discussion here on a former occasion, my hon. friend from Westmoreland drew attention to several cases in which a course precisely contrary to this was pursued by the late Administration, and even by the present Government. The first case was that of the Windsor Railway, which belonged to the Government. It was proposed to give it away to the Western Counties Railway Company, for the purpose of assisting them in making a railway across the Isthmus of Nova Scotia, from Annapolis to Yarmouth. There was an instance in which it was proposed to deal with the property of the country, and the arrangement made by the Government was to be submitted to both Houses. It was not because they were parting with the property as suggested by the hon. Secretary of State, but the same course was taken with reference to the disposition of the property, in the meantime, until the Yarmouth and Annapolis Railway became entitled to it. So I think it is a complete precedent for the course which I propose to ask the House to take here, and to insist that the amendment is one which we cannot constitutionally, or with a fair regard to our duty to the country, give way upon. The next case is that of the Pictou and Truro road. In that case we proposed to give the railway from Pictou to Truro, which belonged to the country, to any company which would construct a railway from New Glasgow to the Gut of Canso. In that instance the provision was, any agreement to be made should be laid on the tables of both Houses of Parliament, and receive the sanction of both Houses before it should take effect, and that course was pursued when the transfer was made. The other cases, which do not run precisely on all fours with those I have cited, are the contracts with the Allans for the Ocean Mail Service. Those were contracts which, at first sight, I should say should not have been laid on the table of this House; but it was deemed necessary to do so, because very large public interests were involved in the transportation of the mails—such as the traffic of the Intercolonial Railway and the cities connected with it. It was, therefore, a matter which involved considerations out-

side of the mere payments of money,—questions of public policy—and in two instances—in 1869 and in 1873—contracts were made in each case, containing a clause providing that the sanction of both Houses of Parliament, must be received before they could take effect. In both cases a Bill was introduced and received the sanction of both Houses, putting the contracts in force. In both cases resolutions of the House of Commons preceded the action taken by the Government. It was also done in the case of the Windsor and Annapolis Railway transfer, and in the case of the Pictou and Truro road. It seems to me, in these cases, we find the reason given by the House of Commons is completely answered; because instances have been cited where the very contrary course was pursued. The other reason, which is an important one, in reference to the leasing of the Pacific Railway from the eastern terminus of the road to the beginning of the Canada Central, I have already explained. It passed through this House—I will not say by surprise offensively in any way, but it was a matter of surprise to many of us that it had passed. With these observations I beg to move:

“That the Clerk do go down to the House of Commons, and carry back the Bill intituled: ‘An Act to amend the Canadian Pacific Railway Act, 1874,’ and acquaint them that the Senate doth insist on their amendments made to the said Bill to which the Commons disagree, and for the following reasons, viz:—

1. That the Senate doth insist on the said amendment, for the reason that without it the Bill would provide for the disposal of public property for a term of years without obtaining the sanction of both Houses to the terms of the transfer.

2. And for the reason that the terms of the lease of a railway running to a foreign country, and forming the only outlet for the Province of Manitoba and the North-West Territories, until the completion of the Pacific Railway easterly from Red River, involve questions of public policy likely materially to effect the course of traffic and the prosperity of the Dominion, and is one of those agreements which should be laid on the Table of the Senate, as well as on that of the Commons, before becoming operative.

3. And for the reason the practice of Parliament referred to in the first reason given in the Message from the House of Commons has never extended beyond contracts for the completion of Public Works, for which money voted by the Commons is in the course of being expended,

other contracts having been constantly submitted for the approval of both Houses,—for example :—

(a.) The transfer of the Windsor Branch Railway, Nova Scotia, to the Western Counties Railway, and the working it in the meantime. Resolution of the Commons, 23rd May, 1873, and of the Senate of the same day, Chap. 16 of the Statutes of 1874.

(b.) The transfer of the Pictou and Truro Railway authorized to be made to any company constructing a railway to the Gut of Causo, and to provide for its temporary disposition in the meantime. Resolution of the House of Commons, 19th May, 1874, Chap. 43 of the Statutes of 1877.

(c.) Contract for the Ocean Mail service, in 1869, (32 and 33 Vic. Chap. 5) and that in 1873 (36 Vic., Chap. 33) on account of their general bearing on the trade and business of the Dominion, were made subject to ratification by both Houses of Parliament.

4. The Pacific Railway Act of 1874 was only submitted to the Senate towards the very close of the Sessions, and was in Committee the day before the prorogation; the Bill was not considered clause by clause, and the provisions for leasing a branch railway to connect the Eastern terminus of the Pacific Railway with existing or proposed lines of railway escaped observation, or it would not have been sanctioned."

Hon. Mr. SCOTT—When this subject was before the Senate on the passage of the Bill relating to the lease of the Pembina Branch Railway the question of the prerogative of this body to interfere in contracts of this kind was very fully discussed. I endeavored to show from authorities produced from Todd, and other sources, that the practice in England was that all contracts required to be passed by the House of Commons did not necessarily require to be pronounced upon by the House of Peers: on the contrary, I think there were only one or two cases that could be found, and those singularly exceptional ones, in which a right to express an opinion upon contracts was exacted by the House of Peers. One was in reference to a large expenditure on the fortifications at Dover and Portsmouth; the other in reference to the educational fund adverted to by the hon. leader of the Opposition. They do not, to my mind, lead to the conclusion that the privileges and prerogatives sought to be obtained in this House have been exercised by the House of Peers. On the contrary the current of authority was in support of the view taken in the other House. The precedents cited do not apply.

*Hon. Mr. Campbell.*

The transfer of the Pictou Branch Railway was in no case an analogous one. That was an absolute disposal of a piece of property belonging to Canada, on certain conditions. The circumstances attending the transfer of the Windsor and Annapolis Railway were akin to that. The people of Canada were parting with that property on certain terms and conditions, and it was impossible to do so except by virtue of an Act of Parliament. In this case, where arrangements are sought to be made with roads south of the boundary line, no such power was contemplated. It is merely to make an agreement for the carriage of freight, either by leasing our own road, or by an interchange of freight or traffic. I think the hon. gentleman gives up the whole case when he quotes the action of Parliament in the authority they gave the House of Commons to pass upon contracts for leasing a branch of the Pacific Railway. That is clearly a case similar in all its circumstances to this, and the only answer the hon. gentleman can give in combating that point is that the Pacific Railway Bill passed this Chamber without the Senate practically understanding it. Whether it is desirable such a statement should go to the people, that this Chamber permitted such an important measure to pass without knowing its contents, I leave hon. gentlemen to judge for themselves. There is the law and it is in confirmation of the action the House of Commons have taken. I think, in view of the very decided vote given in the other Chamber—92 to 32—against this amendment, the Senate should recede from it. It would, of course, gratify me very much if this Chamber saw fit not to insist upon the reasons that prompt them to make the amendment. I very much fear from the vote taken upon it in the House of Commons, that it is not likely to be reversed, and we may witness the unseemly spectacle of a discordance of opinion between the two branches of the Legislature on a matter of so much moment as this. I discussed the matter so fully on a former occasion, that I do not feel it is necessary to go into the question again.

Hon. Mr. BOTSFORD—As I quoted precedents not only from the Imperial Parliament, but from the Parliament of

this country since the Union, I do not feel it necessary to go over the same authorities again, showing the usages of this country with respect to the right of this House to be considered in measures connected with the general interests of this Dominion. The Secretary of State tells us in his observations now that, inasmuch as the amendment has been rejected by a large majority in the House of Commons, therefore this Senate should not insist upon it. Now, the point was just simply this: have we, by the Constitution of the land and the usages of Parliament, the right to make such an amendment? I contend that the authorities which have been quoted and which were cited in the resolutions now before the House are conclusive on that point—that this Senate has the constitutional right to amend that Bill in the direction we have amended it, and that the unanimous vote of the House of Commons cannot take away the rights and privileges of this House, which we hold under its written Constitution. I believe neither House should attempt to encroach upon the privileges of the other.

Hon. Mr. MACPHERSON — Hear, hear.

Hon. Mr. BOTSFORD—I think it is unwise for either Chamber to undervalue the rights and privileges which the other possesses, and especially is it unwise and impolitic in the Government of the country to attempt by the majority in the House of Commons, contrary to the usage of Parliament, and, in my humble opinion, contrary to the powers and privileges which are given by the Constitution of the land, to interfere with the privileges of this House. Now, the first resolution passed by the House of Commons is certainly incorrect. It simply states:—

“Because it is contrary to the uniform practice of Parliament that contracts into which the Executive is authorized to enter should be made subject to the approval of the Upper Chamber.”

After considering the authorities and precedents which have been cited with respect to the usages of Parliament since Confederation, that resolution cannot be said to be correct. The usage of Parliament with respect to the disposal of large Public Works of this country has, in all

Hon. Mr. Botsford.

cases, been to require the sanction of both Houses of Parliament, and no authority has been quoted to prove that the usage has ever been to the contrary. The hon. Secretary of State draws a distinction, which it must be obvious to every gentleman cannot be sustained, between the transfer of a railway and the lease of it. If the Government have the right, with the consent of the House of Commons, to lease the Pembina Branch for five or ten years, does it not follow they have the right to lease it for one hundred years, or to give a perpetual lease? With respect to the Georgian Bay Branch, the only part of the resolutions passed by the House of Commons which appears to affect our rights, it is quite clear that it was an oversight on the part of the Senate. But can one single case like that form a precedent for taking away the undoubted rights and privileges of this House? If the argument of the Secretary of State be correct, one single case of negligence is sufficient to deprive us of the rights we enjoy under the Constitution. If the Government can dispose of public property in the manner proposed by this Bill, what is the use of this House? We have our canals, the Intercolonial Railway and other large works, and if we concede what the Government claim in this case, they would have the right to dispose of those public works without consulting this body. What then would become of the check which was intended by the Constitution this Senate should possess over Acts connected with the public interest? The check which the provision affords the smaller Provinces,—that they shall have a large representation in this branch of the Legislature,—would be swept away at once. This Act for the construction of the Canada Pacific Railway, shows that the Government, in 1874, did not intend to take the power to lease or dispose of the whole of the railway and its branches. It only proposed to lease a portion connecting, not with the main line of the Pacific Railway, but an extension of the Georgian Bay Branch. If the attention of this Senate had been called to that point at the time of passing the Bill, I have no doubt this House would have amended it in the direction that no lease of any portion of the road should have been binding until submitted to this House. I regret as much

as any hon. gentleman, that this apparent difficulty between the two branches of the Legislature should arise, but I appeal to hon. gentlemen who hold seats in this House, to look at the consequences if those principles contained in the resolutions which have been passed by the House of Commons should prevail! What would be the consequences to the influence, rights, privileges, and usefulness of this branch of the Legislature?

Hon. Mr. MACPHERSON—Hear, hear.

Hon. Mr. BOTSFORD—A seat in this House, if the Government of the country, backed by the majority of the House of Commons, could dispose of the public property of this Dominion, would not be worth having. What would be the use of this body to the country if it had no right to be consulted on important matters, or to amend bills like this? This matter seems to me to require the deep consideration of members of this House. If the views of the Government prevail, then the usefulness and dignity of this House must be seriously deteriorated. I should like to refer to two great authorities on the usage of Parliament, which, I think, bear on this case.

At six o'clock the Speaker left the chair.

#### AFTER RECESS

Hon. Mr. BOTSFORD resumed his speech. He said—I was, before recess, about to quote some authorities on parliamentary usage, but I shall not weary the House by reading them. I shall simply refer hon gentlemen to page 289, Vol. I., of Todd's Parliamentary Practice, which shows clearly that such measures as this should be laid before both branches of Parliament. The other authority to which I would refer, will be found at page 496 of Todd's Parliamentary Practice, which shows clearly that the Government do not attain authority solely from the House of Commons, but from Parliament. I consider those very strong authorities as regards the usage in the British Parliament. There is an Act of the Imperial Parliament—a late one—authorizing the Government to

*Hon. Mr. Botsford.*

enter into certain contracts which are specified in the Act, and the Government are required to submit their Acts and proceedings, under the provisions of that measure, to both Houses of Parliament. I do not intend to weaken the able and calm argument made use of by the hon. leader of the Opposition in introducing these resolutions, but I do say, that I think any member who has a regard for the rights and privileges of this Senate must have been convinced by that argument that in this case they have right on their side, that they have the constitutional right to amend this Bill, and that they have not only acted in accordance with the written Constitution of the land, but also with the usages of Parliament. The Ministers of the Crown, supported by a majority of the House of Commons, have denied our right to amend a Bill affecting the general interests of this country. If, under the circumstances, the Senate should recede from their amendment, they would surrender the rights and privileges, which I hold, they possess under the Constitution since Confederation. If a collision should arise between the two branches of the Legislature, the blame cannot be laid at the door of the Senate. We have acted strictly within our rights, and with a full consideration of all the circumstances that flow therefrom; but whether a collision occur or not it is utterly impossible for this House now to recede from the position they have taken upon this question, because the House of Commons have denied that the Senate is entitled, under the usages of Parliament, to the power we have exercised. If we recede from our amendment we concede a principle which, in my humble opinion, it is absolutely necessary for the Senate of Canada to oppose, if they wish to maintain their usefulness and influence in the government of this country.

Hon. Mr. BROWN—I think the step the House is about to take is of much greater importance than perhaps appears from the way in which it has been presented to the Chamber to-night. I think hon. gentlemen have tried to make it appear as if there were an onset by the House of Commons on the rights and privileges of the Senate. If I believed that, I should be the very last to rise and

oppose the motion of the hon. the leader of the Opposition. But I do not look upon it in that light, and I think it would be well for us all to divest ourselves of partisan feeling in the matter, and come to the consideration of it influenced by no desire save to do our duty in view of the interests of our country. I apprehend the position this House holds is one of a very peculiar character. I am the last to do anything to interfere with the high position this House should occupy in the eyes of the people. But I think we have to pursue a very delicate course if we expect to maintain the confidence of the people of this country. I hold in my hand the Act sent up to us from the House of Commons—an Act to amend the Pacific Railway Act of 1874. It goes on to say, that section 16 of the Act already in existence, shall be amended in such a way as to empower the Government to lease the Pembina Branch or to make running arrangements with companies in the United States, and that such lease or arrangements shall be submitted to the House of Commons for ratification at the next Session of Parliament. Now, that is the whole point. It is not the building of the road—that is already provided for. It is not handing over any property to those parties, but simply to make a lease of the road or to make running arrangements over it—an arrangement which, I apprehend, if it is carried out with that sagacity and with that regard for the interests of the country which we are all sure the Ministry will exhibit as far as they can, will be very much for the benefit of the Dominion. What is the condition of it now? We have a railroad under the Act which we are now appending to run from Winnipeg to the Province line, and then there is a space of 70 miles between that and the next railway point in the United States. When you reach that point you can run down from Winnipeg to St. Paul, and from St. Paul to Chicago, and at Chicago you can connect with the whole Canadian system of railways. Now there is a company formed, with its headquarters at St. Paul, but, as we all know, their proprietors are largely in Canada, and the whole, almost, of the proprietors have their interests in our Western Provinces. They say: "We intend to make our main line with the Northern Pacific

*Hon. Mr. Brown.*

Railway of the United States, but if you will make arrangements with us for your traffic beyond the Province line, so that we may have our fair share of the trade which comes from your country through the United States, then we are prepared with our own money, at our own cost, and within the space of this year, to complete our line to the boundary by building 70 miles of road. What we ask from you is a lease of your line, or running arrangements by which we can get your traffic."

Hon. Mr. RYAN—I don't think that appears in any way before this House.

Hon. Mr. BROWN—I think so.

Hon. Mr. RYAN—Does the hon. gentleman say that any such arrangement or proposition has been submitted to this House?

Hon. Mr. BROWN—The proposition has been made to the Government.

Hon. Mr. RYAN—I have not seen it.

Hon. Mr. BROWN—I have not seen it either. But I have heard from Canadian proprietors exactly what they want. They have made no secret of it. It has been a distinct proposition made to the Government of this country and that proposition is, "if you will make an arrangement with us by which we shall connect your Pembina Branch Railway with our American line, we being in connection with the whole Canadian system of railways, then we will be in a position to build these 70 miles and so give you connection with the whole world, until your line is completed from Fort William to Winnipeg." Now, what do we find? The Government, I apprehend, had a perfect right to do that. You have authorized them to build that railway, to put rolling stock upon it and to run it. And do you mean to tell me, because they say, "We intend to go on and make some arrangement, and will put it before you at the earliest possible moment, and make no bargain with any railway company except on the principle that, unless it is approved by the representatives of the people of Canada, it shall be null and void," that they are not to be entrusted with this power? It is in that position at

this moment. The Secretary of State will correct me if I am wrong.

Hon. Mr. SCOTT—I explained when the Bill was up, that preliminary propositions had been made to the Government, but that the arrangements were not in such a shape as could be submitted. In fact, they were inchoate. It was because Parliament must necessarily rise before the arrangements could be completed that this authority was required at all.

Hon. Mr. CAMPBELL—I never heard of that until now.

Hon. Mr. SCOTT—I stated that the arrangements were not complete, that propositions had been made, but that nothing definite had been decided upon.

Hon. Mr. CAMPBELL—I never heard of it.

Hon. Mr. SCOTT—I am sure hon. gentlemen in this Chamber heard me.

Hon. Gentlemen—Hear, hear.

Hon. Mr. CAMPBELL—I am sure it is as the hon. gentleman says. All I say is I never heard it.

Hon. Mr. BROWN—I have not heard one single word with regard to this matter from the Secretary of State or any other member of the Administration. What I heard was from a gentleman of great energy, ability and influence, and controlling great wealth.

Hon. Mr. CAMPBELL—We have not seen him either.

Hon. Mr. BROWN—The hon. gentleman does not live so far away that he has not seen him.

Hon. Mr. CAMPBELL—I assure the hon. gentleman I have not seen him.

Hon. Mr. BROWN—I have, and so, I am sure, have other members of this Chamber. The gentlemen who have made this proposition are some of the most enterprising of our citizens, and the very men into whose hands we should desire to place this railway, and it is for us to take very good care that they shall not have an undue advantage.

Hon. Mr. WILMOT—That is just what we want.

Hon. Mr. ALLAN—You do not propose to allow us the opportunity of taking such precautions.

*Hon. Mr. Brown.*

Hon. Mr. BROWN—I am not in the habit of allowing railway bills to pass through Parliament without enquiring carefully into them and protecting the interests of the public.

Hon. Mr. FERRIER—Perhaps my hon. friend will enlighten the House by telling us what objection there can possibly be on the part of the Government to entering into running arrangements with the company that desires to lease the Pembina Branch. What is the reason we cannot have from the Government the running arrangements submitted to us—arrangements which every road on the continent is making constantly? The Grand Trunk Railway Company is making running arrangements every week or two, and there is no difficulty about it. If there is nothing else, there is no reason why the matter should be delayed till next Session.

Hon. Mr. SCOTT—The arrangements are not made.

Hon. Mr. BROWN—I am very glad my hon. friend has put that question. If the road in Minnesota were all in existence now, his question could be answered. Of course my hon. friend will see there are seventy miles to be constructed, and these people must advance the money to build it, and it is in order to tempt them to do that that the Government ask power to negotiate with them. They are trying, no doubt, to drive as good a bargain as they can, and the Government are standing out for the best terms they can get in the interests of Canada. How can they tell you about a thing that has no existence?

Hon. Mr. FERRIER—They have declared positively that they only want the running rates now being paid to them for the freight passing over the Grand Trunk towards Manitoba. The Grand Trunk has running arrangements with that same road.

Hon. Mr. BROWN—But those seventy miles are not built yet, and if we can get them completed this Fall, it is a consideration of very great value to Manitoba and the whole people going west, and to the entire Dominion. If there is anything we are interested in, it is in filling up the North-West with an industrious population, and we can best

do that by making as hard a bargain as we can for the immediate completion of that link of railway, and allowing emigrants to go in there at the very earliest possible moment. That is the position in which this measure comes before us. We are now at the end of the Session. We are to sit here for two days. Do we say the moment we find this proposition made, "Here is the very thing we wanted"? Not at all. We, the Senate, in the plenitude of our great power, begin to pick insults to ourselves in it. This arrangement must be submitted to us if we desire it. Any member of the Senate may, at the very first day of next Session, move for a copy of it, and no Government would refuse it for a moment. It is no matter of fact we are at variance with the Lower House about. We are deprived of no valuable consideration. There is nothing of a tangible character that has been cut off from us. It is simply the idea that the Senate is not placed on the same footing as the House of Commons. That is the whole point from beginning to end, and upon that point we are prepared to say to the people of Manitoba, "We had the power to give you a railroad within the next six months, and rather than allow our dignity to be infringed upon for a single moment, we defeated this measure, and now you can make the best arrangements you can." I hope the Senate will not put itself in a position to say they will refuse that section of the country, to which there are 20,000 emigrants finding their way now, railway communication. If we really have an offer from the St. Paul & Pacific Railway Co., it would be the most unpatriotic and most injurious thing this Senate could do, to pass this resolution. It seems to have been forgotten altogether in the debates on this question, there are three branches of the Legislature. Hon. gentlemen seem to keep in view only the Senate and House of Commons; the Executive power is entirely lost sight of. I am afraid it is not only here this is beginning to be forgotten, but also in the House of Commons. We hear sometimes of encroachments on the Executive power, which are just as dangerous as any encroachment can be on the privileges of the Senate or the rights of the House of Commons. Now, what is the fact? No one will deny it that there are a thousand

Hon. Mr. Brown.

things of this kind done by the Administration every day, that do not go before the House of Commons or the House of Lords, that the Executive has power to do. The leader of the Opposition told us, "We want, in the interest of the people, to overhaul and to put our veto upon it next Session, if the lease is a bad one." There is not a single word he said, forcibly as it was put, that would not have applied as well to the Supply Bill. There are many parts of the Supply Bill, had we the right to pick and choose for ourselves, that it would be well for the country if they could be thrown out. Is that a reason why we should assume that privileges? The hon. gentleman does not contend that we should, or that in anything affecting the taxation of the people, we ought to take that position, and yet every single word he spoke on this subject to-night would apply to taxation just as well as to this measure. No doubt this is a material matter, but not of the importance the hon. gentleman attaches to it in a constitutional point of view. It is a great thing for the progress and prosperity of the North-West, but I apprehend there is nothing so particular in the giving of running powers over a railroad connecting one part of the country with another part, to say it is absolutely necessary the Senate should be consulted before the arrangement takes effect. There is no force in that argument. I put it to this House, how are you to carry on responsible government if you insist on this? Here is a Government which is pledged before the country and the whole world, to construct a railway across this continent. Both parties are committed to it. We may regret it is so; perhaps we might desire to postpone it as far as possible until our finances are fit to proceed with the undertaking, but we cannot deny that the country is committed to the construction of this great work at the earliest possible moment. How is our Cabinet constructed? Every executive act has to be done by the Governor-General on the advice of his Cabinet, and these Cabinet Ministers, before they enter office, are obliged to swear in the presence of the Almighty they will give faithful advice on all public matters they deem necessary for the public good. But it is not to be only the measures they think

wise they are to give advice upon ; they are to be responsible as much for the things they neglect to do as for the things they do. The Government have advised His Excellency that it is desirable and necessary in the interests of the country, to enter into this arrangement to give railway communication to Manitoba, and this Senate rises up and attempts to take that prerogative out of the hand of the Executive. They say :—

“ We cannot trust you to make that bargain. We, the Senate, who have no responsibility, who are sent here for our whole lives whose numbers cannot possibly be increased, who can at any time put a veto, if we choose, upon the affairs of this country—we, the Senate, step in and say, with regard to this particular thing, that lease or arrangement must be submitted to us before it can be put in force.”

What is the difference between you and the House of Commons? There is this difference: There is some sense and reason in submitting this lease to them, because if they disapprove of it, the arrangement must fall through. If the Government do not choose to bend, they have control of the purse strings, and can stop the supplies. Do we desire that this House shall express one opinion upon this contract, while the House of Commons expresses another, to find our advice mocked at while that of the Commons prevails? I apprehend we do not desire to put ourselves in such a position, or that the Ministry of the day should be put in such a position. It is impossible that they can please both Houses while the majority here is opposed, in all public matters, to the majority in the Commons. It is mere mockery to amend this Bill as you propose, when we all know very well that if the Commons should determine the other way, your protest will be as unavailing as the wind. I hope the House will not put itself in any such position. I go further, and say you have no right to do it. With regard to all those cases that have been attempted to be made out, there is no use in discussing them. What my hon. friend says may be perfectly true, that this original Bill was passed without his knowledge, and no one took cognizance of this clause; that when the great Canadian Pacific Railway Act, with

its \$100,000,000 responsibility, was passed, they did not know the contracts and other papers were to be submitted to the House of Commons only. That may be so; it may have been an oversight, but what would you have gained by amending that clause? Did you not get all the papers you asked for? Was anything submitted to the House of Commons that you did not receive? Have you not had your committees, examined witnesses, and exercised all the power you possessed, but can you stop the policy of the Government? You cannot do it, and you are attempting to take what you have no power to enforce. I spent this forenoon in hunting up precedents, a thing I have not been in the habit of doing for years; and I confess I was astonished at the clearness with which the Lower House has managed to maintain its right over all essential money matters. If this is not a money affair, I would like to know what is. Unless this road is leased, we will have to work it ourselves, which is the very worst way a railroad can be managed. It is very strange that in all those different bills and resolutions that have been brought forward, in regard to matters of high public interest in England as well as Canada, there is scarcely a parallel for it. The Senate is rushing to try to establish a right which can only be sustained, looking back two or three hundred years, by one or two doubtful precedents.

Hon. Mr. CAMPBELL—The whole practice of laying contracts before Parliament at all has arisen within twenty years, and the hon. gentleman has been looking back hundreds of years for precedents.

Hon. Mr. BROWN—The practice has certainly arisen within twenty years, and before that the Crown never looked for the approval of Parliament in such matters. They took it as a prerogative. Fortunately we have got into a far better state of things; but it is one thing that which has been done for us as a matter of reform and liberality through the progress of public opinion, and it is another, this House getting up, and in the plentitude of its strength, passing a resolution which it cannot enforce. The Senate rises and says, “ Now

"I will force the House of Commons to take this amendment, at the last day of the Session, without consideration," though we have been getting everything we have desired by simply moving for it. There is not a single member of this House who does not believe that the lease will be laid before this branch of the Legislature next Session, if it be desired. This is a matter which requires no precedent; it only wants common sense; but I shall give hon. gentlemen opposite a precedent. I would refer them to page 544 of the last edition of May, in which the principle is laid down that the House of Lords, in all matters affecting the cash interests of the people, can only assent or refuse, but cannot amend. I turn to other portions of May, and also Todd, in which I find the doctrine is clearly laid down, that the responsibility of the Ministry to Parliament, as it is now constituted, is practically a responsibility to the House of Commons; because the fate of the Ministry does not depend upon the vote of the Upper House. I find that in a number of the colonies these same difficulties have arisen with regard to where the line is to be drawn between that which properly pertains to the Upper House, and that which is solely committed to the House of Commons; and they have done what we might wisely do here—that is, appoint a committee of all the most thoughtful and able men among us to sit down and deliberate how we should maintain our proper position, and avoid doubt as to whether this or that measure, coming up from the House of Commons, is really within our province or not. We should no more desire to encroach upon the rights of the House of Commons, than allow the House of Commons to encroach on ours. I find in all the recommendations of the committees to which I have referred, the same point is kept in view—to steer clear of all measures affecting the solid cash of the country, and warning them not to interfere with such matters. If I could exercise any influence over the House, or induce my hon. friend, the leader of the Opposition, to take a reasonable view of this matter, I would suggest to him that the very first thing that should be done next Session, would be to set to work to arrive at an understanding of what our rights and privileges really are. It is useless for me to suggest it I

*Hon. Mr. Brown.*

know, and to say that my view is right, because there are many who oppose me who think the contrary. I ask, is it wise that we should go on, not really knowing what we can or what we cannot do? Is it right that we should, at the end of the Session, send a Bill like this to the Lower House? Is there no way to waive this dispute and let the people of Manitoba get the benefit of this railway, and let us discuss our privileges at another time? This is a thing that has never been done before, and what pretext have we for this except one or two precedents quoted by my hon. friend opposite, (Mr. Botsford), but which really, from his own point of view, amount to very little? Is there any necessity for enforcing this amendment when we are getting everything we want from the Government? I do think it is a very purposeless dispute which has been raised, and raised, too, from the other side of the House. We can find only one Bill in the whole record of the Imperial Parliament which contains a provision such as this House has inserted in this measure, and that relates to great works in which there was a grave doubt on both sides of politics as to whether it was wise or not, but all parties were agreed it should go on—that the experiment should be tried, and reports could be brought down every year to Parliament, and if necessary the work could be stopped. There is no other precedent in the whole record of the Parliament of Great Britain for this—no single instance in which the House of Peers attempted to insert such an amendment as that which has been adopted here. Trained in the House of Commons, where there are very strict rules against referring to former debates, I have not referred to anything that has taken place in this Chamber of a kind to irritate the House of Commons, but I think hon. gentlemen will admit at once, if they will place any faith in the Administration, that when it is understood that this lease shall be laid before the House of Commons next Session at the earliest possible moment, it is unwise for this House to insist upon amending the Bill in a manner distasteful to the other House. This is only adding to a bill which has already grown up to considerable dimensions. We amended another measure here which I understand has been rejected in the

House of Commons—the Bill referring to the Independence of Parliament. I admit the clause relating to the Senate should not have been sent up as it was, but I believe it was not intended as a discourtesy. It has often been done before; it has been done in England, and the Peers never objected to it. I do think it would have been far better if that Bill had not been amended. I would rather have had it stronger than we got it. I know I am in the minority here. Had you protected the purity of the elections more than the Bill did, you might have been justified in interfering to make clauses to suit yourselves, but to strike out a clause which would have excluded pensioners from the House of Commons is seriously objected to in the other House. I think it would have been well if this Chamber had agreed to what the Lower House did; but instead of doing so it amended that Bill, and now we are following it up with this. Does not all this show that we had better have a clear line to follow? Would it not be far better to ascertain what our rights are than to be hunting up musty volumes and searching for precedents in the Imperial Parliament? I appeal to the House to take a patriotic stand now. Let the people of Manitoba have their Bill, and let this great public work go on, and relieve the people from the necessity of spending six or seven million dollars probably, where it is not expedient it should be done, to complete our own link. Hon. gentlemen say there is no fear—the Government will go on and do it. I say, if I were a member of the Government and this House were to insist upon this clause and say that this lease should only be ratified if they consented to it, I should let a dozen roads go before I would submit to it.

Hon. Gentlemen—Hear, hear.

Hon. Mr. BROWN—Hon. gentlemen may cry "hear, hear," but I have no hesitation in saying that I would never submit to it. If we were in the majority here and you had a majority in the Lower Chamber, do you think you would permit us to do it?

Hon. Mr. CAMPBELL—Yes.

Hon. Mr. BROWN—The hon. gentle-

*Hon. Mr. Brown.*

man knows better than that. He would say, "No, I have got the power to do this. Parliament has given me power to build this road, to put rolling stock upon it, and to put up the buildings requisite for the running of the railway, and why should I, when establishing railway communication with Manitoba, be compelled to submit this lease to the Upper House, and be snubbed by them?" Do you think the Government, under such circumstances, could effect an arrangement? Do you think those sharp capitalists are likely to spend money on the seventy miles in Minnesota subject to the approval of the majority here? The thing is utterly absurd. I have never spoken to any member of the Government on this subject. My communication has been solely and entirely with those who have been making the proposition, and I can only judge what would likely be the case under such circumstances, no matter what the politics of the Government might be, provided they were opposed by a majority in this Chamber. We are all undoubtedly well aware that the Constitution of this Chamber is anomalous. There is no country on the face of the earth, except two or three colonies of Great Britain, with such a Chamber as this. Everyone knows very well that there are many who would very much desire a change in the Senate. For my own part, I cannot see how any change could be effected which would make it anything like as good as it is at present, provided we limit our pretensions as the House of Peers does in England. You can find no case in which the House of Peers has ever interfered in so trumpery a matter as this. It is not the railway that is in question; it is simply that the name of the Senate shall be put into this Bill, for a thing they have always had, that they have now, and that nobody seeks to take away from them. That is really what it all means. We are at the end of this Parliament, and about having a general election. There will be an appeal to the people, and you cannot prevent candidates from making the action of this Senate a matter of public discussion. Is that wise? For my part I think it is not. I think it would be far better for us to waive this matter. There are ninety-two members in the other House who have recorded their opinion that we

have no right to make this amendment, and only thirty-two who think we have.

Hon. Dr. CARRALL—That was a snap vote.

Hon. Mr. BROWN—I might proceed at much greater length to urge the House to recede from this amendment, but I think the reasons why we should do so are so clear that it is unnecessary I should discuss the matter at greater length. There should be no trouble in having both these Bills settled in such a way as would be honorable to this House and in the interests of the country.

Hon. Mr. ALLAN—I hope the hon. Senator from Lambton will pardon me if I venture to say that his severe morning studies have not been very productive, inasmuch as all the authorities he has cited prove points none of us call in question, while the hon. gentleman has passed by altogether the distinction drawn by the hon. Senator from Kingston and the hon. Senator from Westmoreland, between the power of this House to deal with money matters, and the power we possess under the Constitution, and which we are now contending for, of dealing with a question of great public interest, and which may very largely concern the trade and future prosperity of an important part of the Dominion. It is very difficult to follow the hon. gentleman's arguments, because he shifts his ground so often. He began by speaking of some very important and advantageous arrangements made with certain influential gentlemen for the construction of a railroad from the Province line into the United States territory, to connect with the American railway system, upon condition of their receiving a lease of the Pembina Branch of the Pacific Railway. Of these arrangements we have never had any official information laid before us. The Secretary of State did speak the other night of what he termed an "inchoate" lease or agreement as being in existence. Of the particulars of this lease, however, we know absolutely nothing. But then the hon. gentleman says that the lease is a trifling matter!

Hon. Mr. BROWN—The building of

*Hon. Mr. Brown.*

the road is a very important matter, but the mere lease itself, and it being laid before this House, is a trifling matter which we should not insist upon. That is my point.

Hon. Mr. ALLAN—Well, there is a very wide divergence between the hon. gentleman and those on this side of the House, as to what is really the point involved in this discussion. We contend that the point is this: the Government either have already made, or are going to make, arrangements for the leasing of the Pembina Branch of the Pacific Railway, which may involve very large public interests, and which, if not properly guarded, may have the effect of diverting the trade and traffic of the North-West into American channels altogether, to the detriment of our own Pacific Railway when completed, and against the interests of the Dominion generally. We contend that this is a matter of public policy and public interest, in which this House is as deeply concerned as the House of Commons, and in which we have an equal right to be considered with the other branch of the Legislature. The hon. gentleman, on the other hand, says it is only a matter of dignity that we are standing up for, and that in asking to have the lease submitted to us, we are going beyond our constitutional right, and trespassing on the privileges of the Commons, and, in fact, might just as well attempt to interfere with the Supply Bill when it comes up to us! The hon. gentleman did not always hold such low views of the constitutional right of the Upper Chamber! I remember when I first entered the Parliament of old Canada, a very warm discussion taking place in the Upper House on the subject of the removal of the Seat of Government (in accordance with the alternate system) from Toronto to Quebec for five years. The buildings here were so far completed, that there was every prospect of their being ready for the meeting of Parliament in a year or eighteen months; and it was contended that to make the double move, first to Quebec and then here, was a useless expenditure of public money. Now, this was really a money question, which might seem to appertain almost entirely to the House of Commons, but the hon. gentleman highly approved at that time of the course taken by the Upper House!

Nay, even when we went further—for I was one of the delinquents, and so was my hon. friend the member from Kingston! but we were young and inexperienced in Parliamentary life then, and I don't mean to say that we would take the same course again!—when we went further, and voted against the Supply Bill, because it contained the obnoxious item providing for the expenses of the removal to Quebec, the hon. gentleman patted us on the back in the columns of the newspaper which he then as now controlled, and declared that our conduct was noble and patriotic in the highest degree!! The hon. gentleman shakes his head! But those were his opinions as expressed in the *Globe* newspaper of that day! The hon. gentleman now lectures us on our want of patriotism and even common sense, in insisting upon our constitutional right in asking to have this lease submitted to this House of Parliament as well as to the other, and threatens us with the withdrawal of the Bill, and the failure of the arrangements for establishing railway communication with Manitoba, as the consequence of our obstinacy.

Hon. Mr. BROWN—I know nothing more about the matter than this, that if we do not meet the wishes of the Government and withdraw the amendment, they will drop the Bill. How could they go in with it?

Hon. Mr. AIKINS—They can consent to submit the lease to us as well as to the House of Commons.

Hon. Mr. ALLAN—Our persevering in our amendment does not necessitate the dropping of the Bill. Hon. gentlemen opposite seem to jump to the conclusion, that if the lease were submitted to us, we are going, as a matter of course, to disapprove of its provisions: nothing of the sort. If the arrangements are of so advantageous a character as described by the hon. gentleman from Lambton, why should we do so? But we should certainly be wanting both in patriotism and common sense, if we abnegated all our duties and responsibilities in a matter which very deeply concerns the interests, not only of Manitoba and the North-West, but of the whole Dominion, and did not, therefore, insist upon the lease being laid upon the table of this House. The hon.

Hon. Mr. Allan.

gentleman also asks us if we have forgotten that there are three estates of the realm, and that to the Executive belongs the right to make such contracts without consulting either House of Parliament. I admit that this was the general practice half a century ago, but the hon. gentleman knows perfectly well that it has become more and more the custom within late years in the Imperial Parliament, to have important contracts laid on the table of Parliament; and if this lease is to be laid on the table of the House of Commons, it does not surely imply any want of respect for the Executive that we should ask to have it laid before us also. As to the charge which the hon. gentleman makes of our obstructing matters at this late period of the Session, I have only to say the fault lies at the door of the Government, not at ours. Why was not this Bill introduced at the beginning of the Session instead of nearly at the end of it? We, on this side of the House, are certainly not responsible for an important measure like this having been put back until the last week of the Session, when it might just as well have been before us a month ago. I have no fear that even if the Government do think proper to drop the Bill upon our persevering in our amendment, that it will prevent the construction of the road from the Province line, and the establishment of railway communication with the North-West, and I am perfectly satisfied that the course which the majority of this Senate have taken, will commend itself to the approval of the country.

Hon. Mr. WILMOT—I shall not occupy the ground which has been taken by some speakers that have addressed the House before me with regard to precedents; but I come down to the simple facts connected with our organization as a Senate. No person knows better than my hon. friend the principles upon which this Confederation was formed. He knows perfectly well it was under the British North America Act, and not on the principle of representation by population, except in the other branch of the Legislature. He knows that the Senate was formed specially for the protection of the smaller Provinces. That was the principle insisted upon, and on that principle I am prepared to give up no particle of the constitutional right we possess under the

British North America Act. My hon. friend says we can get all this information next Session, and that common sense would be satisfied in getting it at that time and in that manner. I think common sense demands we should see to it beforehand. I was for a long time a member of the democratic branch, and I have every respect for an expression of opinion by the people through the House of Commons. At the same time, I stand here to defend the Constitution under which this Senate has been formed. I say it is based upon the principle of territorial representation, and that we are here, at all events, to form our own judgment, according to the best of our ability, upon what is best for the interests of this Dominion, whether there is a majority in the House of Commons who may think differently or otherwise. I am sorry to say, while the Government have been able to appoint some fourteen or sixteen members to this Senate, instead of gaining the confidence of this Chamber, they have been losing it continually.

Hon. Gentlemen—Hear, hear.

Hon. Mr. WILMOT—My hon. friend will not tell this House that all the members who vote against the Government, here, are actuated by party spirit. They have exercised their common sense and judgment, and they feel as strong and patriotic an interest in the Dominion as the Government or their supporters; and if the House of Commons or the Government come forward here to limit the constitutional rights of the Senate, or to destroy our territorial representation, I say, as a member from one of the smaller Provinces, I shall oppose that to the death. I am not prepared to have our rights ignored. In order to show we are not a legislative union, but that we are a federal union, and under a written Constitution, I shall refer to the British North America Act, which describes our legislative powers. Section 18 is as follows:—

“The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act, held, enjoyed and exercised by the Commons

*Hon. Mr. Wilmot.*

House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.”

I shall also refer to the statute defining the privileges, immunities and powers of the Senate and House of Commons. It says;—

“The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as at the time of the passing of the British North America Act, 1867, were held, enjoyed and exercised by the House of Commons and the House of Lords respectively, etc., etc.”

Now, I think our rights are defined by statute clearly enough. We are not governed in that particular by the Constitution of Great Britain. We have powers that the House of Lords have not got. We have the same powers that exist in the House of Commons, except in so far as restricted by the British North America Act—that is, we could not initiate money Acts—and if we are to keep up this Federal union, we had better guard, in this branch of the Legislature, the rights of the smaller Provinces. We have the right to see the lease which the Government proposes to make, and judge of it beforehand, not after everything is done. My hon. friend from Lambton says, in the Pacific Railway Act of 1874, the rights for which we now contend were not insisted on. I made the same charge against the previous Government that I do against this—that in the last two or three days of the Session they bring in their most important measures. They might as well throw a cartload of documents on the table and expect us to swallow them wholesale. I object to that, and I am satisfied that, had it been known at the time by the Senate what the Government were empowered to do by that Act, it would have been rejected. I think it is more a charge against the Government of the day for keeping those things back, than it is against this Parliament for passing them. I shall most decidedly vote for the resolution moved by the hon. Senator from Kingston, and I shall not be influenced in the slightest degree by the consequences which may result from this amendment.

Hon. Mr. KAULBACH—I think we would be recreant to our duty in this House to the public did we allow our-

selves to be deprived of our constitutional rights in the way sought at the present moment. I believe we not only have precedent and practice, but constitutional right for what we have done. It is attempted to lease the public property of the Dominion without the sanction of one branch of the Legislature, and the Act of 1874 passed inadvertently in the last days of the Session, has been cited as a precedent. If we yield in this matter we will furnish another precedent to be cited against ourselves. After the manner in which this House has denounced the conduct of the Government in regard to the Pacific Railway, we would be liable to censure if we gave them further power to act without being controlled by both branches of Parliament. If we give up our rights on this occasion the Government may lease the whole of the Pacific Railway without the sanction of the Senate. The hon. Senator from Lambton has talked a great deal of the injury which will be done to the Province of Manitoba if we insist upon our amendment. I am sure every member of this House would hesitate to do anything to injure that Province; but I do not think anything of the kind will result from our action. The hon. Senator from Lambton tells us, if we did not part with our constitutional privileges what he would do—that he would act the despot and sacrifice Manitoba rather than concede to us what we believe to be our rights. I believe the Government has more patriotism than that. I have yet more faith in their sense of justice than to believe they would sacrifice the interests of Manitoba sooner than concede to us our constitutional rights. It has been shown in the case of the Windsor Railway transfer to the Western Railway Company that not merely the lease but the running powers required the sanction of this House. It was the same in the case the Pictou and Truro Railway transfer. In that case the present Government came to us not only for power to dispose of that railway, but to make temporary provisions for running it. Therefore the hon. Senator from Lambton is mistaken when he says we have no precedent for the demand we make. Considering that the policy of the Government throughout has not been such as to meet the approval of Parliament, I think we would be recreant to our duty if we

*Hon. Mr. Kaulbach.*

divested ourselves of any power we have to supervise and control everything belonging to the people of Canada.

Hon. Mr. POWER—I think this is hardly a matter upon which this House ought to take a stand. It is not one of those questions upon which we should base a great fight for our privileges and dignity. Practically looked at it means this—the Government propose to enter into a contract with certain gentlemen for the construction of a railway, and the Government propose, in consideration of their constructing a road to our border, to allow them a lease of some few miles of road in the Province of Manitoba, for a period of ten years, under regulations made by the Government for the protection of the interests of the people of this country. The Government are just now about to go to the electors, and they say that this lease or agreement which they are to enter into shall be submitted, not to the present House of Commons, but to the House of Commons which comes fresh from the people.

Hon. Mr. HAVILAND—The Bill does not say that.

Hon. Mr. POWER—Hon gentlemen know the election will be before the next meeting of Parliament.

Hon. Mr. HAVILAND—We do not know that there will not be another Session of this Parliament.

Hon. Mr. POWER—We deal with things that are probable.

Hon. Mr. HAVILAND—There is nothing in this Bill which says the lease must be submitted to the next House of Commons. We do not know anything about the future Houses of Parliament.

Hon. Mr. POWER—I will suppose a case—and it is supposing a case which is the only possible one I think. Suppose that after the general elections this House should condemn the lease, and the other House were to approve it, this House would be obliged to recede in the end.

Hon. Mr. ALLAN—This assertion has been made on the other side of the House two or three times. The hon. gentleman supposes of necessity the Senate will dis-

approve of the lease—we may approve of it.

Hon. Mr. POWER—While I do not think that this is a matter worth making a fight on, for the dignity of this House, I think the consequences to the country will be very serious indeed should we insist upon this amendment, and ought to make this House pause. Just now immigrants are pouring into the Province of Manitoba at a very rapid rate—something like one thousand a week. Supposing that there should be a bad harvest, or anything should happen in that Province to cause distress, the difficulty of getting supplies to that rapidly increasing population would be very great, unless railway communication were established. This company proposes to give that communication during the present season. Now, if this amendment is adhered to by the Senate, and the Bill passes with the amendment, it of necessity defers the construction of that road for another year.

Hon. Gentlemen—Why?

Hon. Mr. POWER—The reason is very simple. The Bill as amended provides that no arrangement shall be binding until it shall have been submitted to and approved by both Houses of Parliament. No company is likely to go to the expense of building seventy miles of railway under such circumstances.

Hon. Mr. HAVILAND—According to the hon. gentleman's argument the House of Commons should not have the right to pronounce upon the lease.

Hon. Mr. POWER—I think there is a great deal of force in what the hon. gentleman has said; but we are simply aggravating the case. There is this to be remembered,—certain gentlemen in this House, and very prominent gentlemen too, have, during the course of the debate here, at a former stage of the Bill, given expression to opinions which went to show that they, at all events, would not approve of any agreement of the character proposed by the Government. The hon. Senator from Saugeen, who is one of the leaders of the Opposition in this House, in his speech which he deliv-

ered on this subject the other day, certainly intimated in the plainest possible manner that he disapproved of the whole scheme. Another hon. gentleman from Toronto endorsed those views.

Hon. Mr. MACPHERSON—I stated most emphatically, if the Government entered into a lease, I would be most anxious to approve of it, if it were in the interests of Manitoba.

Hon. Mr. POWER—I do not remember those words. But the hon. gentleman's conviction of the impropriety of the arrangement would be likely to overpower his anxiety to sustain the Government. I think it is quite clear that the consequences of the action of the Senate may be very serious indeed. The almost certain consequence is that, if the Bill passes as amended, the road will not be constructed until after the next meeting of Parliament.

Hon. Mr. CAMPBELL—That would be very unpatriotic on the part of the Government.

Hon. Mr. POWER—If the Government had to build the road, it would be.

Hon. Mr. MACPHERSON—It is the Government that has to build the road.

Hon. Mr. POWER—The road which is to be constructed does not extend within our borders more than seven or eight miles, while there are seventy miles to be built south of the border. No company composed of prudent men, looking at the course which the Senate has taken on the question of the Pacific Railway, and at the expression of opinion from the hon. gentleman from Saugeen, and the hon. Senator from Toronto, would risk money in such a matter. I think, myself, the Government were to a certain extent in error in making the validity of this lease depend upon the action of the House of Commons. The Government are charged with the administration of the public affairs of this country, and they are responsible to the House of Commons and to the people for that administration. If after the Government had done what they thought best in the interests of this country, their action did not meet with the ap-

proval of the House of Commons then they would have to suffer the consequences ; but I think they should not be hampered by such a provision as this. While the House of Commons are responsible to the people, and have a certain claim to be called upon to ratify this lease, the Senate are not responsible to the people, and I do not think they have any strong claim to be consulted in the matter. Certainly, the Government are not responsible to this House, and it would upset our whole theory of responsible government if things done by the Government of the day, in the legitimate exercise of their functions, were to depend upon the will of this House. Government would become impossible altogether unless the two Houses were in accord, and the result would be steps would be taken, which would be successful, to so alter the constitution of this House as to bring it into harmony with the other branch of the Legislature. The hon. Senator from Kingston, in speaking on this matter, dealt with certain precedents, and among others he referred to the Georgian Bay Branch, which was hostile to his view. He undertook to draw a distinction between it and the present case, but to my mind the distinction does not appear to be at all clear. In both cases the Government were dealing with roads which were branches of the Pacific Railway. The Georgian Bay Branch, as its name indicates, is a branch of the Pacific Railway. It has been treated as such in the legislation of the country, and it is, in my opinion, quite as much a part of that great enterprise as the Pembina Branch. I do not think the precedents cited by the hon. gentleman and others are quite in point. Some of them were cases in which documents had to be laid on the table of the House of Lords, but the fact is the Government never undertakes to withhold any paper asked for, and the difference between this case and a great many cases referred to by the hon. Senator from New Brunswick is, the papers were laid on the table after the action was taken ; therefore the action of the Government did not depend for its validity on the sanction of the Upper House. If the conduct of the Government did not meet with the approval of the House, it could pass a vote of censure upon them. The case of the Windsor

*Hon. Mr. Power.*

and Annapolis Railway has been cited by the hon. Senator from Kingston, and other gentlemen on that side of the House, but it differs entirely from this. The Windsor Branch was being given away absolutely. Resolutions were passed in the House of Commons, but there was no bill, as in this case. The resolutions were not sufficient in themselves for the transfer of the road. They simply authorized the Government to enter into negotiations for the transfer. The Government did enter into those negotiations, and the transfer having been arranged for, the act of the Government was legalized by the Bill which had to receive the assent of both Houses of Parliament. In this case, the Bill comes before the arrangement. The case of the Pictou and Truro Branch Railway was of a similar nature. In that case, property to the value of \$1,500,000 was transferred to a company under resolutions adopted by the House of Commons, and it was after the arrangements had been made that the Bill was introduced and submitted to us.

Hon. Mr. BOTSFORD—The resolutions were passed in the Senate, authorizing the Government to negotiate.

Hon. Mr. POWER—The only case, to my mind, which appears to be in point, is the Allans' contracts, but, I think, possibly, the reason they were submitted to this House, was the fact that the hon. gentleman who was at the head of the Post Office Department at that time, was also the leader of the Government in this House.

Hon. Mr. CAMPBELL—That was not the reason they were submitted in both Houses.

Hon. Mr. POWER—As to the fearful consequences which might flow from leasing this road for ten years, I cannot agree with the hon. gentlemen opposite. In the first place, the Government have, by their conduct, shown that they are not willing to come to the views of the gentlemen, who wish to lease the road, as a matter of course. They have been obliged, as the hon. Secretary of State tells us, to abate the demands they made at first. The worst that can be done is to lease the road for ten

years, on the best terms the Government can make. Some hon. gentlemen think it should not be longer than five years, but the road from Fort William to Winnipeg will probably be completed within five years, and after that there will be competition, and it is quite clear the country will not suffer a great deal from any extortion on the part of the company which will have control of the Pembina Branch. There is only one other fact which is worthy of consideration in connection with this subject, and that is, that the division in the House of Commons was very strong against accepting the amendment of this House: it was 92 to 32.

Hon. Mr. MACFARLANE—The House was not full by any means.

Hon. Mr. KAULBACH—It was a snap vote.

Hon. Mr. POWER—It is a circumstance which ought to carry weight with this House.

Hon. Mr. MACPHERSON—The hon. gentleman, I am sure unintentionally, misstated my views to the House. I stated very distinctly that I would have preferred that the Government, after completing the railway, should have kept it in their own hands, and have made arrangements with any company that would build to the frontier. I think that would have been the best course in the public interest; but the Government ask for power to make a lease, and if that lease were laid on the table, I should look to its merits as a lease, and not in any other respect—and certainly that is all I should or would do.

The House divided on the motion, which was adopted on the following division:—

CONTENTS :

The Hon. Messrs.

Aikins,	Hamilton (Kingston)
Alexander,	Haviland,
Allan,	Howlan,
Armand,	Kaulbach,
Bellerose,	McLellan (Lon'derry)
Benson,	Macfarlane,
Botsford,	Macpherson,
Bourriot,	Mills,
Campbell,	Montgomery,
Carrall,	Read,
Chapais,	Ryan,

Hon. Mr. Power.

Dever,  
Dickson,  
Dumouchel,  
Ferrier,  
Flint,  
Girard,  
Glasier,

Seymour,  
Skead,  
Smith,  
Trudel,  
Vidal,  
Wilmot.—35.

NON-CONTENTS :

The Hon. Messrs.

Baillargeon,	McMaster,
Brown,	Pelletier,
Chaffers,	Penny,
Christie (Speaker),	Power,
Cormier,	Pozer,
Fabre,	Reesor,
Haythorne,	Scott,
Hope,	Simpson,
Leonard,	Sutherland,
McClelan (Hopewell),	Wark.—20.

LIQUOR TRAFFIC REGULATION BILL.

CONCURRENCE IN AMENDMENTS.

A Message was brought from the House of Commons by their Clerk to return the Bill intituled: "An Act respecting the Traffic in Intoxicating Liquors," and to acquaint this House that they have passed the said Bill with several amendments, to which they desire the concurrence of the Senate.

Hon. Mr. SCOTT moved concurrence in the amendments.

Hon. Mr. CAMPBELL—Is there no provision about the working of the Bill?

Hon. Mr. SCOTT—I see there is an item in the Supplementary Estimates of \$5,000 to meet it.

Hon. Mr. CAMPBELL—Is it left to the discretion of the Executive who shall be paid, and what amount shall be expended?

Hon. Mr. SCOTT — I have made a very careful estimate, and in a very large county it would be less than \$500.

Hon. Mr. CAMPBELL—One would suppose there would be an amendment made in the House of Commons showing how much the returning-officer, constable, and other officials should get. That should not have been left without some provision.

The amendments were agreed to.

The House adjourned at 10:15 p.m.

## THE SENATE.

Wednesday, May 8th.

The SPEAKER took the chair at eleven o'clock, a.m.

After Routine proceedings,

## PILOTAGE REGULATIONS IN NOVA SCOTIA.

## MOTION FOR A RETURN.

Hon. Mr. MILLER moved :

“That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all Pilotage rules and regulations made by the Commissioners of Pilots for the Ports of Pictou, Sydney and North Sydney, and approved by the Governor-in-Council.”

He said he had made this motion because he desired to learn precisely what were the actual pilotage rules, orders and regulations, at certain ports in the Province of Nova Scotia, namely, the ports of Pictou and Sydney. He had asked for the Arichat returns a few days ago. Until very recently there was no pilotage system at the latter port, and the want of pilots there had never been a subject of complaint either by local ship-owners or others. Why he considered pilots were not required at the port of Arichat, he would state to the Senate before he resumed his seat. He would first speak with respect to the pilotage systems of the ports of Sydney and Pictou. Hon. gentlemen were aware that these are the two chief coal ports in Nova Scotia. Many years ago, before he (Mr. Miller) was a member of the Provincial Legislature, loud and serious complaints were constantly heard of the injustice of the pilotage tax on vessels visiting these ports in the prosecution of the coal trade. Year after year the subject had been brought before the Legislature, and the unfairness exposed of placing a pilotage tax on vessels whose masters, many of them with an experience of a quarter of a century of constant navigation of these harbors, were in no need of the assistance of pilots, and therefore should not pay towards their support. But the local authorities had, under the law, the control

Hon. Mr. Miller.

of the subject; they did just as they pleased, and always paid more regard to the wishes of the pilots than to the just grievances of the ship-owners. These vessels were obliged to pay half pilotage rates every time they entered the coal ports, and in the course of a season this tax, for a useless service, amounted to a large sum of money. In many instances the masters and mates were better pilots than those who levied mails on them. It was then contended that the tax was necessary to keep up a system of pilotage, and if that statement were true, it might be a good answer to the disaffected. But it was not true, because the actual demands for pilots were enough to keep up a sufficient staff. The trouble was that the staff was made so large, that the legitimate demand for pilots at all these ports was not equal to their support. This fact had been frequently pointed out, but the local authorities would pay no attention to it. In 1864, he (Mr. Miller) procured an amendment of the pilotage law of Nova Scotia, under which every master and mate of a provincial vessel, who was qualified to navigate his vessel into any of the coal ports, when engaged in the coal carrying trade, should be entitled to receive a license as a pilot, which exempted the vessel of the holder from all liability to pilotage fees. This provision had been completely set aside at both the ports of Pictou and Sydney, by the power given to the Commissioners of pilots to make rules and regulations, to be approved of by the Government, in regard to pilotage matters at these ports. Under these regulations, it would be almost as well for a ship master to pay the pilots' fees, as to take a license now. Such regulations should never have been approved by the Government, but the fact was that the powerful political influence of the members for Pictou had induced the Government to approve them, while the coal carriers had no one to urge their views and protect their interest before the Government. Their interests had been silently and shamefully neglected by those whose duty it was to prevent them becoming the victims of the present unjust means resorted to, in order to impose taxation on them for the benefit of the pilots. In former days when the ship-owners complained so loudly of this grievance, the coal trade was prosperous, and all engaged

in it were making money, and everyone knows when people are doing well they submit to a good deal of injustice without complaint. But this was considered so great an imposition that they would not even then submit to it. How must the ship-owners, and especially the coal carriers now feel, when that great industry is nearly paralyzed in all its branches, and it is impossible for those engaged in it to make ends meet, to find such a time of unprecedented depression chosen to re-impose this irritating and unfair tax? It was too bad and should not be tolerated. If he (Mr. Miller) stood alone he would denounce it and protest against it, and it was astonishing to find that no other voice had hitherto been raised against it, not even to the utterance of one word of remonstrance. It was not his duty to specially champion this or any other interest, but he could not refrain any longer from exposing a neglect of duty somewhere in not having this subject brought to the notice of Parliament and the Government, with the view of having the wrongs complained of redressed. He wished to get the necessary papers that he might be prepared next Session to press the subject on the attention of the Minister of Marine. These regulations should be altered to suit the requirements and justice of the case, so that while those who really wanted pilots at any of the coal ports should be compelled to pay for them, those who did not want them should not be taxed to support a larger staff than was necessary. With regard to the port of Arichat, the pilotage system had been applied to that port by the Government during the present year, and he was very sorry for it. He did not believe this step was a wise one, and it had never been considered necessary to create pilots at the Port of Arichat, when the shipping of the port was much larger than now, and when times were much better, and ship-owners would not feel taxation as they do now. Anyone who knew the port of Arichat would say that the present was a strange time to impose additional taxation on its vessels or trade. The vessels resorting to that harbour were chiefly those owned there, or American fishing schooners since the Washington Treaty, calling in for bait and other supplies. During the last few years the latter had resorted very largely to the harbors adjacent to

*Hon. Mr. Miller.*

Arichat, as well as to Arichat for these purposes. The masters of these vessels did not want pilots; they were good pilots themselves. They had done much good to the fishermen, especially by purchasing in the spring of the year the poor herrings then caught that had only a small market value as an article of exportation. For these poor fish, at the most trying season of the year, after the long winters have exhausted their supplies, the fishermen received a good price in ready cash, which helped to meet their wants in many ways, and enabled them, with fair luck, to keep ahead of their other creditors for the rest of the fishing season. The trade of these American fishermen was a great advantage to this hardy class of our population. Since the establishment of pilotage taxes at the port of Arichat, the masters of these vessels declared they would discontinue their visits to the place, and, if that result should follow, it would be a serious loss to the whole community, and a grave charge against all those, the Government included, who had been the means of creating this new and unnecessary means of adding to the burdens of our trade and shipping interests. With reference to the vessels owned and sailed by inhabitants of the port of Arichat, surely no one would say that the masters of these vessels required pilots to be created? Every one of these men—every man on board of these Arichat vessels down to the cook—was a good pilot for that harbor. The local ship-owners could not have desired the establishment of the pilotage system of that port, because they could not expect to escape being treated as other ship-owners were treated. There could not be one set of rules for local ship-owners and another for outsiders. If such an anomaly were attempted, it would not be allowed to exist long after being brought to public notice. Then there remained the vessels visiting the port of Arichat requiring pilots—very few in number, he was sorry to say, in the absence of any trade, to bring them there—but when any such did come, there never was any difficulty in picking up a dozen fishermen to bring them into port at the shortest notice. The entrance to the harbor was very prominent, and every vessel approaching it could be seen for miles away. The coast was thickly settled, and any signal, at night or in day, would

bring on board a dozen trustworthy fishermen long before they were wanted to steer the ship to her moorings. That class of vesse's, therefore, should not have necessitated the establishment of the pilotage system at the Port of Arichat. Why, therefore, was this thing done? He (Mr. Miller) could only come to one conclusion—it was with the hope of making a few votes for the Government candidate at the next election. He was sorry to have to think that such a thing could happen, but many of the ship-owners of Arichat believed the same thing. He felt confident, however, that the Government would be told as soon as the opportunity offered, that it would require something more than the few votes that could be manufactured in this way, to prevent the independent electors of the County of Richmond, in union with the other constituencies of Nova Scotia, inflicting on them the just punishment on their general imbecility and many misdeeds. He wanted all the papers connected with this pilotage business, in all the ports named, and requested that they be given as soon as possible, as the Session was drawing to a close.

Hon. Mr. SCOTT said he was sorry that he was unable to furnish the information asked for. The best he could do would be to draw the attention of the Minister of Marine and Fisheries to the subject of the hon. gentleman's complaint. That Minister would be the last one to authorize or approve of regulations which would be harsh, cruel or oppressive to the people affected by them.

The motion was agreed to.

## THE HALIFAX FISHERIES COMMISSION.

### TRANSLATION OF THE REPORT.

Hon. Mr. BELLEROSE moved :

“ That copies of all documents and pleadings relating to the questions decided by the award rendered at Halifax on the subject of the indemnity of five millions five hundred thousand dollars, under the Treaty of Washington, particularly the 22nd and 23rd articles of that Treaty, and copies of all letters and despatches between Her Majesty's Government and those of the United States of America and of Canada on the same subject, since the rendering of the award laid before this House, in return to

*Hon. Mr. Miller.*

an Address on the 24th day of April last, be translated into French by persons to be selected for that purpose by the Hon. Messieurs Chapais and Bureau, under the superintendence of the Clerk of the Senate.”

He said he had made this motion because it was understood that the ordinary translators of both Houses would not have time during the recess to translate such a voluminous document.

Hon. Mr. SCOTT thought there could be no difference of opinion as to the necessity of translating and printing this important document. He was amazed, however, at the concluding part of the motion delegating the right to select the translators to certain hon. gentlemen in this House, inasmuch as the Parliamentary translators, who could not be employed for twelve months of the year, should give their time to this work. They were very handsomely paid, and they should be utilized for such service as this. He was not prepared to say they should not be assisted, but certainly they should devote such time as could be spared to the work. He was prepared to support the resolution so long as the assistance was supplementary to the staff belonging to both Houses.

Hon. Mr. BOTSFORD said the objection which had struck his mind when the motion was first made, was similar to that which had been expressed by the hon. Secretary of State. If this motion were carried, the whole expense of the translation would be thrown on the contingencies of the Senate. There could be no manner of doubt these important documents should be translated into French; it seemed to him that the work should be done under the control and direction of the Government, and they should make use of the translators of both Houses so far as would be just to them, and so far as their time could be fairly devoted to that purpose. If additional translators were required, the Government could, of course, employ them, and they could be paid in the usual way.

Hon. Mr. BELLEROSE said he had made no observations in moving the resolution, because he thought no objections could be made to it. The hon. Secretary of State seemed to forget that after the Session there wasso much work in the translators,

office that French members had generally to wait until the year was nearly over before they could receive French copies of public documents, and had they not been exceedingly reasonable they would have complained of it long ago. Those papers were just as important to the French as to the English members. They were very voluminous, and would make four thousand pages of printed matter. That amount of work could not be done short of sixteen months if it was left to the Parliamentary translators. He had been told by gentlemen of experience that it would be impossible for them to do the work in time to have it printed for next Session, and, therefore, he considered it his duty to make this motion in order to have this report before the public at once. The French members asked this not as a favor, but as their right.

Hon. Mr. CAMPBELL said there could be no doubt that the translation should be made as quickly as possible. He could not say it was exactly within his own knowledge, but he had been informed that no substantial assistance could be obtained from the translators of either House. He had been informed that, before they could get through their ordinary duties, so long a period would have elapsed that this work would have to be thrown over to another year. If that were correct, there would seem to be no alternative but to employ other translators, and the choice of them should be left to the French speaking members. He suggested, not by way of amendment, but simply for the consideration of the hon. gentleman who made the motion, that the translating, or printing, or both, should be done under the superintendence of the Clerk of the House, and the Joint Committee on Printing. Another thing which should be guarded against was, that the translation should be done at the same rate which had hitherto been paid by Parliament, otherwise it might run into a very extravagant expenditure which nobody would regret more than the gentlemen who were looking after the translation. Certainly, if any assistance could be given by the translators of the two Houses, it should be obtained; but he was satisfied that would only delay the publication of the work.

Hon. Mr. BELLEROSE said it was  
*Hon. Mr. Bellerose.*

understood that the translation would be done at the ordinary rate. If the House desired it, he would have that stated in the motion.

Hon. Mr. CAMPBELL suggested that the hon. gentleman should make interest with the Government to put an item in the Estimates to meet the cost of this translation.

Hon. Mr. BELLEROSE said that was the reason he had moved in this matter without giving the usual notice.

Hon. Mr. AIKINS said this matter had been very fully discussed in the Printing Committee. Inasmuch as those papers had been brought down in this House, the Senate would have to bear its share in the translation unless the Government made an appropriation for it. The expense would probably be some eight or ten thousand dollars, but the other House would have to bear its share *pro rata* to the number of copies it would take, and the same might be said with respect to the Departments. With regard to the translation, the translators of the other House were not likely to have any time, and if they had, as it was extra work, they would have to be paid for it. The Clerk of the Committee had pronounced very distinctly and definitely on that point; there was, therefore, no other course open than the one suggested—to employ outside help.

Hon. Mr. SCOTT said, if the expression of the House was, as he understood it to be, in favor of the translation in the manner described, no doubt provision would be made for it, whether the sum was mentioned in the Estimates or not. His observations had been predicated on the assumption that the translators were not employed.

Hon. Mr. SIMPSON said he had spent about half an hour looking over the papers and had a very clever expert with him. They had come to the conclusion that it would be necessary to print an English edition of 500 copies, and a French edition of 200 copies. It would make a volume of from 5,000 to 6,000 pages. The translation, at a dollar a page, would cost about \$5,000, and the printing would cost

\$8,000 or \$9,000. All that could be asked of the Parliamentary translators was to translate the ordinary work that came before Parliament. For extra work, they would have to be paid extra. The translators of both Houses were very competent men, and it was likely that, with some assistance, they could accomplish the whole of it under the direction of the Clerk of the House.

Hon. Mr. BELLEROSE—Do I understand the hon. gentleman to state that the Committee on Printing have no power to order the translation of those documents into French?

Hon. Mr. SIMPSON—We have not.

Hon. Mr. BELLEROSE wished to know how it was that documents were translated every day, and brought down in French, and he would like, also, any hon. gentleman to point out the clause of the British North America Act, which declared that they had no right to order the translation. If the Printing Committee could not have it printed in French, they could not have it printed in English either. Both languages were on the same footing under the Constitution.

Hon. Mr. SIMPSON said the Joint Committee had a right to order the translation of the ordinary documents brought before the House; but this was the report of a commission. If the House adopted the report, provision would be made for the printing.

Hon. Mr. WILMOT thought the Government should take this up as a matter of course. He could see no reason why the expense should come out of the contingencies of the Senate.

Hon. Mr. McCLELAN called attention to the fact that the contingencies had increased since 1867 from \$80,000 to \$140,000. There had been a steady increase since Confederation.

Hon. Mr. HAVILAND said, as a matter of course, the contingencies would increase. Three Provinces had been added to the Confederation since 1867, and within the last few years the Senate had taken a more active part in the public

affairs of the Dominion than in times past.

The motion was agreed to.

## THE PACIFIC RAILWAY TERMINUS AT FORT WILLIAM.

### THE REPORT OF THE COMMITTEE ADOPTED.

“The House, according to Order, proceeded to the consideration of the second report of the Select Committee appointed to continue the investigation, and to inquire into all the questions relating to the purchase of the property at Fort William for a terminus of the Canadian Pacific Railway.”

Hon. Mr. GIRARD—At this late hour of the Session, I must ask the indulgence of the House, because I am sure you have had no time to give that report the consideration to which it is entitled. Yesterday you were invited to consider a report with reference to the Pacific Railway question—the Fort Francis Lock. That report was to the effect that the work done at Fort Francis was unprofitable, and that a large sum of money was uselessly expended upon the lock there. In this time of depression we all regret this waste of public money which, if judiciously employed, might have relieved much suffering and been profitable to the Dominion. The question submitted in the report now before the House is also one of great importance—having reference to the terminus, or rather the beginning of the Pacific Railway. Your Committee has been sitting twenty-nine days consecutively, and examined a number of witnesses. At the beginning no one anticipated the investigation would last so long, but the gentlemen representing the Government on that Committee thought proper to bring a large number of witnesses to justify their conduct, and it was thought necessary to bring other witnesses to furnish evidence on the other side. Every member of the Committee would have been glad to have found the Government justified in their conduct; but they were obliged to report that the expenditure was injudicious and not in the interests of the Dominion. Voluminous evidence was taken—in the first instance in reference to the harbour—whether Prince Arthur's Landing or the Kaminiistiquia River furnished the better

terminal point for the Railway. No less than seven or eight mariners of long experience were examined by the Committee, but their evidence was conflicting. The opinion of the Committee is that both are good harbors, with this difference, that the Kaministiquia presents certain difficulties, which necessitate continual dredging at the mouth of the river, while the other harbor could by very little work be made accessible for vessels at all seasons of navigation, while it remains open eight days longer than the other. The Committee goes further, and says the site chosen by the Government on the Kaministiquia is not the right place. We see by the report to the Government, made by Mr. Murdoch, an engineer, employed by them, that there was a place further down the river, towards its mouth, which should have been selected, and which would have afforded better navigation, and which would have remained open later in the season. The gentleman who controls the destinies of the Dominion to-day declares he always accepts the decisions of his engineers. Why he did not do so in this case I cannot imagine, because the place recommended by Mr. Murdoch would have been much better than the one selected. He said in his report that it would have afforded lower levels and a longer navigation in the full of the year. When the Committee arrived at a conclusion as to the terminus, they had to enquire whether the Government had done all that should have been expected of them in the selection of the lands for the terminus. On that, they came to the conclusion that a large amount of money could have been saved by following the wiser course, and not allowing so many speculators to get possession of the lands there. The Government decided upon the terminus in June, 1874; but from that time up to 1876 nothing was done towards securing the lands. If the terminus had been placed somewhere in the vicinity of the McKellar farm, it has been ascertained that a quantity of land could have been bought there on very easy terms, perhaps for \$70 or \$75 an acre. Through the delay of the Government, speculators were allowed to get possession of the land intended by the Government for the terminus, and all the speculations have been profitable to friends of the Government. It

*Hon Mr. Girard.*

was only in 1876 that valuator were appointed to report upon the value of the lands selected for the terminus. These valuator had to follow the course laid down by the Railway Act of 1868, which provides that, in deciding the value or compensation of such lands, they had to take into consideration the increased value given to them by reason of the construction of this railway. In this instance, a Mr. Brown,—a gentleman who was an associate of Oliver, Davidson & Co.—was appointed to examine the titles and advise the valuator. When asked how they should value the lands, he advised them to do so without allowing for the increased value given to them by the railway going there. We know what the value of that property was before there was any talk of the railway there; the lots having been offered for sale by the Ontario Government for a long time at four dollars each. The speculators bought them up at from \$80 to \$90 each, and resold them a little time afterwards to the Government for \$200 to \$300 a lot, and for some eight acres required by the Government, outside the town plot, no less than five to six hundred dollars an acre was paid by the Government. If this property had been chosen at the time it was known where the terminus would be, it could have been secured at a very much smaller price. Another question to which the attention of the Committee was called, was the purchase of the Neebing Hotel. The intention, certainly, never was to open that building for the accommodation of travellers, but rather to make money out of the Government. When the hotel company commenced to construct it they were notified that it was on the land reserved for the railway terminus, and that very likely they would not be entitled to any remuneration for the building; nevertheless they proceeded with its construction and told their informant that they were sure of getting well paid for it; and so they were. They received \$5,029 from the Government for the building. And here I must do justice to the valuator. When they reported to the Government they mentioned the fact that the hotel was there, but did not take it upon themselves to put any price upon the building. Oliver, Davidson & Co., however, received the whole amount which I have mentioned without having made any

affidavit as to the cost of the building. The House will learn with satisfaction, at all events, that the sum of \$500, which would have been lost to the country, having been paid twice over, was refunded when the error was discovered by the committee. It is evident there has been indiscretion somewhere. I do not like to accuse the Government of anything, but either some member of the Government, or one of their employees, has been guilty of indiscretion; because a long time before the public were informed of the selection of land on the Kaministiquia for the terminus, parties in Toronto knew of it, and stated they had received correct information, and that information could only have come from some member of the Government, or some one in the public offices. The result was that those who obtained the information were given a chance to profit largely by speculation. The Committee by a large majority came to the conclusion that the information had leaked out some way. When the report was adopted in the Committee, a resolution was moved in amendment justifying the choice of the Kaministiquia as a harbor, but it did not go further in any way. I do not know if the minority of that Committee are ready to endorse all the rest of the report, which is certainly grave enough, but certainly they did not take exception to any other part of it. I think the House will agree with me that the majority were right in the conclusion at which they arrived; because the report contains nothing which is not founded upon evidence. I must express my regret at having found it my duty during the present Session to condemn the Government so frequently for their administration of public affairs. I hope it will be the last time that such a painful duty will be imposed upon me, because I would be far more disposed to give them a helping hand than to oppose them. Certainly no one would feel happier than myself if I could conscientiously commend their public policy; but I have a duty to perform, and I cannot help saying that I regard the policy and conduct of the Administration of the day as injurious to the best interests of this Dominion.

Hon. Mr. SCOTT—I desire to explain why I think this report ought not to be

Hon. Mr. Girard.

adopted, and why I think it does not fairly disclose the true position of matters and things that incidentally arose during the investigation. I shall endeavor to be as brief as possible, travelling over merely the general circumstances, leaving the details either to be discussed by other members, or to be elucidated by the testimony of the witnesses themselves. The first point is in reference to the terminus. The hon. gentleman who has moved the adoption of this report, says the Government are condemned because the terminus has been fixed at this particular point on the Kaministiquia. I desire to advert to the evidence showing how and why this terminus was selected, and the persons by whom it was chosen. The first witness I shall submit is Mr. Fleming, in whose evidence, I find the following:

“ Q. But who located that particular point? The Government selected the terminus of the Pacific Railway on Lake Superior.

Q. Who selected the particular piece of ground? I did; I recommended that particular piece of land, shown on the plan before the Committee, colored red, as the land required for the Pacific Railway.

Q. Did you do that under instructions from the Government? No; the Government selected the spot where the railway should terminate, and I recommended that all this land (pointing to the map where it was colored red) should be secured for railway purposes.

Q. Why did you think it necessary to take up the south-easterly section of the land marked in red on the map? Because it is easier to get it now than it would be fifty years hence.

Q. Did you select all this land on your own mere motion? I have recommended the selection of the land shown red on the map, on my own motion. I was asked by Mr. Mackenzie if it was not too much, and I said that I thought it would be better to err on the safe side and get plenty, as it would be much easier getting it now than in the future, when it would be probably all occupied by buildings. I had felt the inconvenience, more than once, of having a terminus for a railway, and I instanced Halifax where too little land had been taken up in the first place, and the Government had been compelled, subsequently, to purchase more, at an enormous cost. The land at Halifax, I think, originally belonged to the Government, and they very unwisely reserved too little for the terminus there.

Q. At the time you reserved this land at the town plot, you thought it could be obtained for a nominal price? I thought it would cost very little compared with what it would years hence, and what it actually did cost.

Q. You say you selected this land after conference with Mr. Mackenzie; did you ever express an independent opinion as regards this terminus? I am not very clear upon that point, but I think I would have expressed myself the same as I have done to-day, to the effect that this was a better point than Prince Arthur's Landing.

Q. Did Mr. Mackenzie show any special desire to have Kaministiquia selected in preference to Prince Arthur's Landing? Not that I know of.

Q. You say the main reason for selecting it was, it was the shortest available point? It was the point on the navigation of the lake nearest the prairie region of the west, which we would reach by rail. We have navigation at nearer point, but we cannot reach them.

Q. Did Mr. Mackenzie suggest that it was desirable to have an extended water frontage?—I suggested that myself. I am inclined to think that Mr. Mackenzie objected to taking so much land at first; but he yielded to my views after a time, when I pointed out to him how much easier it would be to obtain the land now than hereafter, and if it was not required in the future it could be easily disposed of.

Q. Do you know whether that land could be disposed of—any surplus of it—at a higher figure?—I think it could be very easily disposed of, but it would be very unwise to give it up for the present or for a long time to come.

Now, I think that shows pretty conclusively the opinion of the Chief Engineer, who was bound to give advice to the Ministry. I shall now take Mr. Mackenzie's own evidence given on oath before the Committee, as it properly comes in here on that particular point in reference to the terminus:—

“When we obtained information regarding the work, in the spring we (that is Mr. Fleming, Mr. Trudeau, my deputy and myself), had repeated consultations about it, and my own impression was that it would be better to bring the railway to Pointe des Meurons, that being the head of the deep water navigation in the Kaministiquia River, so as to have the whole length of the river for harbor purposes and save so many miles of railroad. Mr. Murdoch, I understand, had, in the meantime, surveyed a portion of the river bank where it was ultimately located. Mr. Fleming, Mr. Trudeau (my deputy) and myself had frequent consultations about it. I knew nothing technically about the position myself. I had been in the Kaministiquia River and knew generally what sort of a river it was, the formation of the banks, the depth of the water and also the water on the bar. I had that general information, and Mr. Fleming seemed to be quite clear, as well as Mr. Trudeau, that that was the best place to locate it. I coincided with that view,

*Hon. Mr. Scott.*

and it was selected with general acquiescence of the heads of the Department: the Chief Engineer; I also understood, the district engineer, my deputy and myself.”

Q. Your own opinion, however, was that the site should have been higher up than the point ultimately chosen?—Yes; it was my impression, and Mr. Fleming and Mr. Murdoch both said the high banks above would make it practically impossible to get to any point high up on the river bank.

Q. Is that a correct statement of the facts?—I should say, in the first place, while a member of the Ontario Government, we determined to dredge the mouth of the Kaministiquia as being the best harbor; that was in 1872, and that Government did expend \$22,000 on that work. With regard to Mr. Fleming's remarks about the navigation there, I may also say up to that time we had Mr. Hazlewood's and Mr. Murdoch's reports. I was wholly in favor of Nipegon myself, and up to the time we had the final consultation late in December, I was still of the impression that Nipegon was the best place to go to, for the reason, if the road could be constructed equally well to Nipegon from Red River, it would be more in the direct line eastward, when that section came to be constructed, than Thunder Bay.”

In the first place, Mr. Mackenzie objected to the Kaministiquia altogether, and then, when he yielded on that point, he thought Pointe des Meurons was the proper place, because it was higher up the river, and so many more miles of navigation would be availed of, for which the country would receive a benefit in shortening the road. He was overruled by Mr. Fleming, and also by Mr. Murdoch, the engineer the hon. gentleman quotes. I shall now refer to Mr. Murdoch's evidence. He is asked when he first went to Thunder Bay, and he replies, in 1872, a year before the change of Government; and the examination proceeds as follows:—

“Q. Had you any conversation with Mr. Mackenzie as to that point?—I had.

Q. Can you give it?—Mr. Mackenzie asked me where the head of navigation on the Kaministiquia was. I said to him the head of navigation on the Kaministiquia was about the west line of the town plot. He asked why I said so; he understood the head of navigation was Pointe des Meurons, ten miles from the mouth of the river. He said he understood from Mr. Fleming and from Mr. McIntyre it was so.

Q. That was the reason for selecting that point—that it was the head of navigation?—

Yes ; I said that Pointe des Meurons could not be the head of navigation."

Remember Mr. Murdoch was a hostile witness to the Government, because they had been obliged to dismiss him in consequence of improper conduct on his part. He came before the Committee and gave his evidence with marked hostility, and yet he gives the following evidence :—

" Q. What were the instructions given you by Mr. Sandford Fleming ?—The instructions given me by Mr. Fleming were that ' I was to commence from the head of navigation on the Kaministiquia River, and locate a line between that and Lake Shebandowan and Lac des Mille Lacs.'

Q. What instructions did Mr. Mackenzie give you ?—Those instructions consisted in commencing that survey from the head of navigation on the Kaministiquia.

Q. Is the located terminus at the head of navigation on the Kaministiquia ?—It is literally at the head of navigation."

Now, here is Mr. Murdoch, who, as I have stated, was a hostile witness, who gives the reason why the point Mr. Mackenzie preferred could not be selected. Up to November, 1874, the Premier opposed the selection of the Kaministiquia ; he thought the terminus should be at Nipegon. He yielded to his officers, and now the insinuation is thrown across the Chamber that he selected Fort William because political friends had got possession of land there. That is what it means in plain English, and that is asserted in opposition to the sworn testimony of the Chief Engineer and of Mr. Murdoch, who was dismissed by the Administration for misconduct, and in opposition to the testimony of the Premier himself. The hon. Senator from Manitoba knows that Mr. Mackenzie was questioned as to whether, at the time of the selection of Fort William was made, he knew a single individual who owned land at that place, and Mr. Mackenzie swore, on oath, that he did not. In the face of that fact the hon. gentleman asks this House to adopt the report of the Committee, because the Government were guilty of corruption in selecting Fort William as the terminus for the purpose of benefiting their friends. Is it right that the Senate should be prostituted for such a purpose ? Is it right that this Chamber should be asked to adopt a report in opposition to the evidence I have read. I think the Senate

*Hon. Mr. Scott.*

has gone far enough in investigations of this kind. It was no part of its duty in its past history. I have known something about it, although I had not a seat here, but I had heard of it as being high above political exigencies, that it subserved an independent purpose, and that all Administrations were treated fairly and justly by it. I regret that time has gone by. I feel pained to make the observation, but when a report full of calumny and falsehood is foisted upon—

Hon. Gentlemen—Order, order !

Hon. Mr. HOPE—Hear, hear, hear.

Hon. Mr. SCOTT—I make that observation after having given my proof, and not before. I have made no charge without furnishing evidence in support of it. That evidence is in black and white, and the people of this country will be able to judge whether the Government have been arraigned before an impartial tribunal, if that report is carried today by a majority of this House. I make these observations with deep pain and deep regret. No one feels more pained than I do at the present moment that such utterances as have fallen from my lips, are necessary. Is it fair that this report should be foisted on the people of this country as an expression of just and honest conclusions ?

Hon. Mr. CAMPBELL—What is the passage in the report that the hon. gentleman characterizes as a falsehood ?

Hon. Mr. SCOTT—The charge I make is that the report does not fairly interpret the evidence given before the Committee ; that it is falsely asserted Fort William was selected to serve the purposes of friends of the Government.

Hon. Mr. CAMPBELL—Where is that stated ?

Hon. Mr. SCOTT—The report may not express it in exact words, but that conclusion is reached. That is the charge made against the Premier. I shall go on and analyze the report, and point out statements in it at variance with the truth. For instance, take the following in the first paragraph of the report :—

"The harbor of Prince Arthur's Landing is only exposed to easterly winds, a quarter from whence gales or squalls rarely blow on Lake Superior. The safety of this harbor was proved

in evidence given by Mr. Marks before your Committee, that, of 1,500 vessels which reported at the Custom House at Prince Arthur's Landing since 1869, not one of them had sustained damage, to his knowledge, from storm in the harbor, or had to leave it for shelter. Mr. Kingsford, an engineer of the Department of Public Works, gave a clear and very intelligent evidence before your Committee, and submitted plans for a pier or breakwater, which, for a comparatively moderate sum, would provide the shelter needed to make Prince Arthur's Landing one of the most commodious harbors on the great lakes, and, in point of safety, a perfect harbor of refuge."

Everybody who has been at Prince Arthur's Landing knows it is quite an open place. The Welcome Islands are about twenty miles from the Landing, Isle Royal is about thirty, and Thunder Cape about twelve miles. Yet the report is drawn up with the intention of representing it as a safe harbour, exposed at only one point. I make a specific charge that the report does not fairly interpret the evidence.

Hon. Mr. CAMPBELL—That is a very different charge from saying it is a falsehood.

Hon. Mr. SCOTT—Mr. Kingsford went up there and made a careful survey of both places. Here is what he says in his evidence :

"Q. Which can be made an efficient harbor at the least expense, and be equal to the ordinary traffic that may be anticipated in that section?—I hold that Prince Arthur's Landing should be eighteen feet in depth. If it is conceded that it should be eighteen feet permanently, you make your crib eighteen feet, and you dredge only as the necessities of the harbor require. My estimate for Prince Arthur's Landing is \$643,000 for a harbor of eighteen feet and permanent work; but if you only made it fifteen feet, it would be \$440,000. If you made a large harbor with a depth of only fifteen feet, it would cost \$390,000. If you made a smaller harbor, eighteen feet deep it would be \$282,000. You must make the Kaministiquia eighteen feet deep on the bar, and seventeen feet in the river. We have laid off a winding basin at the junction 300 feet wide and 1,200 feet long. It is included in my estimate. By making the river seventeen feet deep, one hundred feet wide, and 200 feet wide through the bar, the cost of dredging would be \$81,700. To make it only 100 feet across the bar, it would be \$64,000."

One is \$600,000; the other is \$81,000. Am I not justified in saying that the report does not fairly interpret the evidence?

Hon. Mr. CAMPBELL—No.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT—According to my reading of the evidence it does.

Hon. Mr. CAMPBELL—If the gentleman will read the next paragraph he will find annual expenses are contemplated.

Hon. Mr. SCOTT—He estimates the cost of dredging at \$7,400, but that is merely a matter of opinion. Mr. McKellar's evidence satisfied me that the Kaministiquia is not a river that is filling up. There is no evidence whatever to show that dredging would be necessary every year, or that it would take a whole season.

Hon. Mr. CAMPBELL—He says "periodically."

Hon. Mr. SCOTT—That might be every three or every five years. Mr. Kingsford, further on, says:—

"Q. In your opinion do the two harbours compare, supposing the expenditures you have described were made on them?—I consider the Kaministiquia is just the same as the harbour at Chicago or Milwaukee."

If hon. gentlemen will turn to the evidence of a number of boat captains who had been in the habit of sailing into Chicago for many years, they will see that even now the Kaministiquia in its present condition is equal to what the Chicago River was up to the time the improvements were made. Many of those captains say there is only one harbor at Thunder Bay; that Prince Arthur's Landing is an open roadstead. Lake Superior has an immense sea up on it in a gale, and many of the witnesses stated that vessels with side wheels could not lie at the wharf at Prince Arthur's Landing when there is a stiff wind blowing, but were obliged to go into the river for protection. Any one who has been at Prince Arthur's Landing must know that it is no harbor at all. It is on the lake shore. The Committee state in their report:—

"The length of the season during which the Canadian Pacific Railway can be used to bring the products of the North-West to the marts and shipping ports of the Dominion, will depend upon the navigation of the waters with which the railway will connect. If it is made to terminate upon the bank of the Kaministiquia, its business season will be governed by the navigation—not of the great lakes, but of a sluggish stream of about 350 feet in width. As a rule, the Kaministiquia River closes, according to

the evidence given before your Committee, about eight days earlier than Thunder Bay at Prince Arthur's Landing, and the placing of the terminus of the railway on the bank of the river will shorten, by the same number of days, the season during which the harvest of Manitoba can be transported through Canada to the seaboard."

I say distinctly the evidence does not justify such a conclusion.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—I can bring intelligent witnesses, four to one, who will prove that the Kaministiquia opens earlier than the other harbor. The only captain who kept a regular log is Capt. Symes, the oldest sailor on the lake. His log is the only written evidence, and is as follows:—

ABSTRACT OF SHIP'S LOG.

"1869. Arrived at Thunder Bay, May 18th. Bay full of ice. No ice in the river. Left Thunder Bay, November 4th. No ice in bay or river.

"1870. Arrived in Thunder Bay, May 8th. No ice in bay or river. Left November 7th. No ice in bay or river.

"1871. Left Thunder Bay, November 27th. Ice making very fast in bay. River frozen; 22 below zero.

"1872. Arrived in Thunder Bay, May 18th. Could not get to the landing for ice; landed passengers in small boats 1½ miles east of Prince Arthur's Landing. River clear of ice. Took in nine cords of wood from Fort William out to the steamer in H B C. Schooner. Left November 15th; no ice in bay or river.

"1873. Arrived at Thunder Bay, May 12th. Bay full of ice from Thunder Cape to Welcome Islands, but clear from Welcome Islands to Prince Arthur's Landing. No ice in the river. Left November 13th; no ice in bay or river.

"1874. Arrived in Thunder Bay, May 16th. Ice from Thunder Cape to Welcome Islands; clear from Welcome Islands to Prince Arthur's Landing. River clear of ice. Left October 13th; no ice in bay or river.

"1875. Arrived in Thunder Bay, May 23rd. Bay full of ice from Thunder Cape to Prince Arthur's Landing; solid ice east of Welcome Islands clear to the west ("Chicora") lying at anchor at the mouth of the Kaministiquia, landing her passengers in small boats at Fort William. She could not get to the landing for ice. Left October 5th; no ice in bay or river.

"1876. Arrived in Thunder Bay, May 19th. Bay full of ice from Welcome Islands to Prince Arthur's Landing. Went up the river and discharged load at Fort William, and returned to Sarnia. Left November 1st; no ice in bay or river.

Hon. Mr. Scott.

"1877. Arrived in Thunder Bay, May 21st; no ice in bay or river. Left October 20th; no ice in bay or river."

My language in speaking of the report of the Committee may have been strong; I admit it was not parliamentary, and therefore I withdraw it, but I ask honorable gentlemen to consider the difficulties I had to encounter from the very beginning with a Committee that was selected for the purpose of condemning the Government in advance. At the time it was appointed, I appealed to the House for fair play, but I was refused it. I said it was monstrous that the Government should be subjected to a trial by a jury of their opponents. I asked nothing more than the lowest criminal in the land was entitled to, but I was refused it.

Hon. Mr. MACPHERSON—The hon. gentleman is out of order. He has no right to reproach the House with having selected the Committee for the purpose of condemning the Government in advance, because the Committee did not sit with that view.

Hon. Mr. MILLER—I think on several occasions my hon. friend should have been called to order for the language he has used in the House to-day. It may be a little policy on his part to use that language. If it is, we are prepared to deal with it in the proper manner.

Hon. Mr. SCOTT—The Committee was struck by the House. I rose in my place and stated I did not think it was fair to the Government of this country that a hostile Committee should be selected to pass judgment upon the acts of the Administration; that it was usual for the Government to have a majority on all Committees, but that I would be satisfied if an equality were given to this side of the House. My hon. friends opposite challenged the right which I claimed, and when I named an additional member, to equalize the number the hon. gentleman opposite also named one, and both were added to the Committee, leaving the Government in a minority.

Hon. Mr. MILLER—I think it was clearly shown on that occasion that the usual course was pursued, and that it had never been the custom to select the majority of a committee from the minority of

the House. I do not think the hon. gentleman is right in saying the House selected the Committee for the purpose of condemning the Government.

Hon. Mr. BROWN—While it is perfectly true, as appears by the rule of the House, consideration shall be given in appointing committees to the comparative numbers on the two sides of the House, yet the hon. gentleman may search the whole records of the House of Peers, from one end to the other, without finding a parallel for such a Committee as this—a Committee of general accusation against the Government—and no legislative body in the world would ever have thought of denying the Government of the day a majority in a committee.

Hon. Mr. AIKINS—If the hon. gentleman would read the records of the House he would not have indulged in such uncalled for remarks. This Committee was appointed at the suggestion of the hon. Secretary of State himself, and more than that, as anyone will see by referring to the Official Report of the Debates, he suggested the matter should be referred to the same Committee which was closing its investigation of the selection of the route for the Pacific Railway.

Hon. Mr. SCOTT—We all know how the Committee was chosen.

Hon. Mr. MACPHERSON—The Committee of which the hon. Secretary of State has been speaking, was the Fort Francis Lock Committee.

Hon. Mr. SCOTT—No, I did not take any exception to the Fort Francis Lock Committee. That was selected in the ordinary way, by a courteous understanding between the hon. gentleman and myself. The next paragraph in that report is that in which the Government are condemned practically, because they did not take the road down from Murillo station to some lower point on the river from the terminus. How did they come to that conclusion? They took a blank sheet of paper and said, "why could you not run a straight line, and cut off that bend by bringing it down to a point below Fort William?" They assumed a

*Hon. Mr. Miller.*

straight line should be taken, and, at the same time, there is not a tittle of evidence brought by any engineer that the line was ever surveyed, or that it ever entered anybody's head to suggest it until it was looked at in the Committee room. They then say, and my hon. friend adverted to it, that Mr. Murdoch recommended it should be brought lower down, but Mr. Murdoch did not recommend it to cut off this bend. He was appointed in 1872, and ran the line along the bank of the river, following the general route the Government adopted. But they say Mr. Murdoch recommended to Mr. Fleming that this line should be brought further down, and his argument was, the river would be open some days earlier or later near the mouth. From Mr. Murdoch's evidence, it does not appear that this short line could be taken, or that any exploratory survey of it had been made, and yet the Committee undertake to censure the Government because they did not follow that line. As I have already stated, Mr. Murdoch was a hostile witness. The Government had to dismiss him from their employ some time ago. I found out, in the course of the inquiry, that Mr. Murdoch had a very good reason for wishing to bring the railway nearer the mouth of the river. I found out that in 1873, while Mr. Murdoch was an officer of the Government, he had directed one of his subordinate officers, a Mr. Simpson, a provincial land surveyor, to make a survey at a point below the Hudson Bay Company's Post, on land belonging to the Ontario Government. I produced the field notes and report of Mr. Simpson, and asked Mr. Murdoch in whose pay Mr. Simpson was when this survey was made. He said in the pay of the Government of Canada, and that no reduction whatever was made in his pay for this. The evidence is as follows:—

"Q. Are you aware that Mr. McIntyre sent in an application to the Crown Lands Department for the land in that survey?—I am.

Q. That was in the spring of 1873?—Yes.

Q. Had you and Mr. McIntyre any conversation with reference to it?—Yes, we had.

Q. Was it considered that you were to have a share in the land?—Not necessarily.

Q. Did you never admit to anybody that you expected a share in it?—Mr. McIntyre said he

would give me a share in it, but there was nothing drawn out between us to that effect."

Hon. Mr. MACPHERSON—The hon. gentleman has omitted one answer. He states distinctly that he did not expect an interest.

Hon. Mr. SCOTT—Now, could there be any clearer evidence than that? Certainly, Mr. McIntyre did not make a deed of the land to him, or give him a bond for it. He was not such a fool; but do the Committee pretend to say the people of this country are going to be misled by such twaddle as that? The Government are condemned because they did not bring the line down to where Mr. Murdoch and Mr. McIntyre were going to have a speculation, and place the terminus there. Mr. Murdoch was, of course, very bitter against the Government, because we thought proper, in the interests of the country, to dismiss him, and I think the evidence shows we did not dismiss him a day too soon. He opened his bosom, so to speak, to his confidant and friend, another speculator, and told him he had it in for the Government because he had lost \$10,000. Mr. Murdoch's explanation is that he lost it in point of salary—that if he had not been dismissed he would have earned \$10,000. Now, is this a very likely story? We are asked to believe that, and not only that, but to condemn the Government for not playing into his hands and putting \$10,000 into his pocket, and helping Mr. McIntyre. Of course, hon. gentlemen will understand this evidence was very difficult to get at. No witness desires to condemn himself. I knew we had to defeat the designs of a man who had betrayed us, who had been dismissed from the public service and was lending himself to condemn the Government because he was smirking under the very severe censure administered in the loss of his office. I shall now quote from Mr. McClellan's evidence, which, I may state, was given very reluctantly—I had to drag everything out of him:—

"I know, of course, that he had recommended the location of the Pacific Railway terminus at a different place from where the Government had selected it, and I knew it was a grievance between him and the Government. I also knew from what conversation I had with him that he felt very much disappointed and annoyed at his dismissal, and said the Government had not

*Hon. Mr. Scott.*

made anything out of it, but he had lost ten thousand dollars."

And this is our model engineer that hon. gentlemen hold out to the people of Canada as the proper person to advise the Government, and are prepared to condemn the Premier because he did not act upon such advice! This House is asked to sustain that report and condemn the Government because they dismissed a man who, on his own showing, wanted to locate the terminus of the Pacific Railway at a certain point in order to put money into the pockets of Mr. McIntyre and himself at a time when he was in the pay of the Government! The next paragraph to which I desire to call attention is the value of the land. During the winter season it was impossible for me to get any witness down to speak of the value of the land. Therefore, during the early part of the investigation, it was assumed, on Mr. Mark's testimony, that the Government could have had Mr. McKellar's land at about \$70 an acre. That was taken as the basis of everything, and it got to be at last firmly believed by the Committee. When the navigation opened, I immediately took steps to bring Mr. McKellar here, and ascertain whether he was prepared to give his land for that price. He told us that he had twenty-five or thirty acres cleared in the front, and that his improvements had cost him between \$3,500 and \$4,500. This is the piece of land that the Committee were told could have been bought at \$70 per acre. When asked if he had offered to sell it in 1874, he replied "I never proposed to sell it," and he proceeded to show that in the winter of 1875 he was paid for lots on his farm at the rate of \$1,100 and \$1,200 per acre, double the average rate paid by the Government for lands at Fort William. In 1876, the time the arbitrators were there, he was getting \$1,200 to \$1,300 per acre, and for a lot owned by his sister in the town plot, which was taken by the valuers, he had been offered in the winter of 1875 by private parties, \$500 to \$600 per acre. He declined to sell, and the valuers took it under the statute, and he lost from fifty to a hundred dollars on it. He says he knew in 1872 the Pacific Railway would either be on one side of him or the other, because the surveys were going on there, and he had a motive in putting a higher value on his property

since then. In reference to Oliver, Davidson & Co., the Committee state here that a short time before, the Ontario Government had sold lots in the town plot for four dollars each, or something like that, when in fact the Ontario Government had sold some of those lands twelve or thirteen years ago—as far back as 1865. At the time I was Commissioner of Crown Lands, I do not think the Crown owned ten lots in Fort William. That was in 1873. Certainly, the larger portion of the purchases had been made anterior to 1872. Yet this report says a short time before the Ontario Government were selling those lots at four dollars each.

Hon. Mr. CAMPBELL—Where does that appear?

Hon. Mr. SCOTT—The words used are “previous to that,” while the evidence of Clark and Savigny shows that the land was selling at very much higher rates. Then, I think there is an insinuation that the Government conveyed in some way information to friends of their own where the terminus was to be. The paragraph is as follows:—

“After having heard and weighed the evidence which has been adduced during the enquiry, your Committee find it difficult to believe that the persons who enriched themselves at the expense of the people of Canada, had not in some way ascertained, in advance of the public, that the Government had determined to locate the terminus of the Canadian Pacific Railway on the town plot of Fort William.”

Hon. Mr. CAMPBELL—That does not accuse the Government.

Hon. Mr. BROWN—Who is it?

Hon. Mr. CAMPBELL—It may mean that those parties who enriched themselves had some friend in the Crown Lands Department at Toronto.

Hon. Mr. BROWN—Why not state so?

Hon. Mr. CAMPBELL—It seems to me it is so stated.

Hon. Mr. SCOTT—The Committee think proper to quote a letter to Mr. Pardee as an intimation that the lands were to be reserved for railway purposes, and that after that they were sold to private individuals.

*Hon. Mr. Scott.*

Hon. Mr. CAMPBELL—Where is that?

Hon. Mr. SCOTT—The Committee point to the evidence of Clark and Savigny as though their statements were conclusive, although they are flatly contradicted. Clark swears that Savigny was present when Davidson had an interview with him in the fall of 1874, and showed him a plan of the railway terminus, which he said he got from a very high authority, and it is conveyed by one of those witnesses that Mr. Mackenzie was the high authority.

Hon. Mr. CAMPBELL—There is nothing of that kind stated in the report.

Hon. Mr. SCOTT—It is conveyed in the report.

Hon. Mr. CAMPBELL—Where is that brought out?

Hon. Mr. SCOTT—The evidence of Clark and Savigny is met positively by Mr. Davidson, who swears it to be absolutely untrue, and he goes on to show how it is untrue. He says he did not get the information until 1875, when the plan was fyled.

Hon. Mr. CAMPBELL—That is in the report.

Hon. Mr. SCOTT—What I complain of is that the Committee was not justified, where the evidence of two witnesses on one side was met by the undoubted testimony of three on the other side, and when Clark and Savigny did not agree on an important point (as to both being present on the occasion they speak of), in giving so little prominence to the evidence of the Premier, Mr. Davidson, and Mr. Leys.

Hon. Mr. CAMPBELL—The evidence of all three is given. The statements on both sides are given.

Hon. Mr. SCOTT—I do think it was unfair to give that prominence to the evidence of such men as Clark and Savigny, inasmuch as the statements on the other side were supported by collateral evidence. We have evidence to show the plan was not fyled until the 14th of December, that it was Mr. Leys first communicated to Mr. Davidson that he knew where the railway terminus was

supposed to be, when it was open to the whole world. No advantage could have been gained by any one individual, and we have the absolute testimony of Mr. Mackenzie that he never communicated the information to any individual soul. Is the Premier going to be contrasted with a couple of land jobbers? Clark says Savigny was present at the alleged conversation with Davidson; Savigny swears he was alone and got it confidentially—that Clark was not present at all—so I practically broke down those two witnesses. The whole gist of the charge is that Oliver, Davidson & Co., were friends of the Government, and that the Government located the terminus at Fort William for their benefit. What is the fact? Oliver, Davidson & Co. invested \$100,000 in a mill at the mouth of the Kamistiquia River in 1872. I believe Mr. Brown's law partner is a Conservative and Chairman of the Conservative Club in London. He had an equal interest with Mr. Brown in his share. Oliver, Davidson & Co. invested money as any other firm would have a right to do. Mr. Brown swears they had a larger interest at Prince Arthur's Landing than at Fort William. They invested \$13,000 at Sault Ste Marie and bought a large quantity of land at Nipegon under the impression the terminus would be there, showing that, to their minds, at all events, that was the proper place for it. They had also bought largely on the south shore of Lake Manitoba, believing, as the hon. Senator (Mr. Girard) does, that to be the true route for the railway. They were mistaken in two or three places. I venture to say their speculation of \$13,000 at the Sault is worth very little, from what I know of it. But we have testimony which, I think, should be considered conclusive—the statement of the Premier that he did not know the owner of a single lot at Fort William. I suppose I knew as much as any member of the Government was likely to know on that point, having been Commissioner of Crown Lands, and I could not tell who was interested in land at Fort William.

Hon. Mr. CAMPBELL—The report does not say to the contrary.

Hon. Mr. SCOTT—It insinuates that the Government had put the terminus

*Hon. Mr. Scott.*

there to serve their friends. That is what was directly charged against the Government by the hon. Senator from Manitoba.

Hon. Mr. GIRARD—I said it gave them a chance.

Hon. Mr. MACPHERSON—The hon. gentleman said the friends of the Government had benefited by the location of the terminus at Fort William.

Hon. Mr. SCOTT—I deny emphatically that only the friends of the Government were benefited. I do not think that we could have bought lands in any part of the country where friends of the Government would not have been benefited, because the friends of the Government are very numerous.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—At the same time friends of the hon. gentlemen opposite were benefited, but they are kept in the background, because the word "job" would not apply otherwise.

Hon. Mr. CAMPBELL—Where the hon. Secretary of State does injustice to my hon. friend from Manitoba is in saying he charged the Government with conniving at it. He did nothing of the kind.

Hon. Mr. SCOTT—I ask if the Queen's English could be tortured in such a way as to point to any other conclusion? You say the terminus was located in the wrong place, and you say the friends of the Government benefited by it. The only inference that can be drawn from that is that the object in locating the terminus there was to benefit their friends. I confess, when I read that report first I was shocked, and expressed myself in a way that caused changes to be made in it, and it is not so objectionable now as when it was first presented to the Committee. I shall simply say, in conclusion, that the Premier, as the evidence shows, was practically forced to select this piece of land for the terminus. He protested against the site, in the first place, and afterwards against the amount of land that was taken. He was overruled by

Mr. Fleming, who said: "You will have to buy it at a much higher price in the future." If it is thought we have more land than is necessary, we can sell half of it for more than the whole of it cost us, and have a terminus for nothing, that will do us for the next twenty years.

Hon. Gentlemen—Hear, hear.

Hon. Mr. SCOTT—I am not prepared to say that is not the true policy, notwithstanding what Mr. Fleming thinks. The Government did what any Administration would do—tried to find two honest, fair men who would deal between them and the owners of the land. Mr. Mackenzie wrote to Mr. Pardee to recommend a man who knew the land. He sent for Mr. Wilson, a life-long Conservative, who had surveyed the lands there, and associated with him a Mr Reid, of London. The Government lost all sight of it when it was delegated to gentlemen who were supposed to be respectable and who knew all about the subject. The valuers went about their work in the ordinary business way. Some hon. Senators seem to think the proper way would have been to arbitrate. The experience I have had of arbitrations—and I have bought right-of-way for railways—has been that, whether it be a Government or a company, the purchaser always suffers, and it is always better to make bargains in advance. I asked Mr. Reid if he thought the Government had made a better bargain of it than if they had submitted the matter to arbitration. He said, certainly not, or he would have done so. It is assumed that Mr. Brown was an interested party who was the legal adviser of the arbitrators. The evidence on record is this: Mr. Brown was employed simply to examine the deeds; but the Committee say, "you should have instructed him as to what he should not have done." What did Mr. Mackenzie do when he heard Mr. Brown was interfering with the arbitrators? Would it not have been only fair to Mr. Mackenzie to have put that letter in the report?

Hon. Mr. MACPHERSON—If the hon. gentleman had said so in the committee, the letter would have been put in the report. It is referred to in the report, and it is in the evidence.

*Hon. Mr. Scott.*

Hon. Mr. SCOTT—Here is what Mr. Mackenzie wrote:—

"(Copy)

"OTTAWA, 2nd August, 1876.

"SIR,—I am informed by the valuers at Fort William that you gave an opinion that no legal notice of the intention of the Government to take possession of certain parcels of property had been given.

"When the valuers were informed they could consult you on any difficulty in titles, it was certainly not the intention of the Department to submit to you the interpretation of an Act of Parliament, but simply to render any legal help in the routine business they might find necessary to ask. The opinion you did give, is repugnant to the law and contrary to the interests of your employers, (and, of course, is in the interests of the former owners of the land,) who took possession of it in January, 1875.

"Your duty was simply and solely to see that titles proffered were good and sufficient before payment could be made to the owners.

"I understand, also, that you are personally interested in some of the lots to be conveyed. Of course, the titles of such lots cannot properly pass to us except through the hands of another solicitor.

"I shall await your explanation before adopting any new course. In the meantime I have directed the Secretary of this Department to request you to take no further action in the business.

"I am, sir,

"Your obedient servant,

"(Signed) A. MACKENZIE.

"P. J. BROWN, Esq.,

"Ingersoll."

Would it not have been fair and just to Mr. Mackenzie, when less important matters appear in this report, to have quoted that letter?

Hon. Mr. MACPHERSON—It is noticed in the report.

Hon. Mr. SCOTT—It ought to have been prominently set forth in the report, and attention ought to have been called to the fact that, when Mr. Mackenzie found what Mr. Brown had been doing, he at once snubbed him, and in a way that professional men are not accustomed to, yet we are told that Mr. Mackenzie was playing into the hands of Oliver, Davidson & Co.

Hon. Mr. MACPHERSON—If the hon. gentleman will look at page five he will find an extract is given from Mr. Mackenzie's evidence.

Hon. Mr. SCOTT—I must apologize for having gone at such length into this matter. There are a great many other things to which I would like to call attention. I do not think the report is a fair one. Part of the evidence is taken that meets the views and feelings of the hon. gentlemen who drafted it, and the rebuttal testimony is either kept in the background or it is not considered of sufficient importance to outweigh and overbalance the views which the hon. gentlemen wish to put before the House in this report. I daresay I have made, in my observations, some remarks which I should not have allowed to escape me, but the House has been very lenient with me, I must confess, and I am ready to withdraw any unparliamentary expressions I have used. But I must say I am justified, under the circumstances, in showing some feeling. I think it is unjust to attack the Premier of the country in this way.

Hon. Mr. CAMPBELL—In what part of the report is the Premier attacked?

Hon. Mr. SCOTT—All through, the insinuations are in that direction.

At 2 o'clock p.m. the House adjourned during pleasure.

The SPEAKER took the chair at 3 o'clock, p. m.

## THE PACIFIC RAILWAY TERMINUS AT FORT WILLIAM.

### THE DEBATE CONCLUDED.

Hon. Mr. GIRARD—I desire to make a few explanations in reply to the remarks of the hon. Secretary of State. I was sorry to see him lose his usual good temper and fall upon me in a way that I feel I did not deserve. I never said the Premier's word should not be accepted as true, and if my words conveyed any such meaning, it was due to my defective knowledge of the English language. It is not the first time the hon. Secretary of State has endeavored to give a false interpretation of my words. Mr. Mackenzie is my political opponent, but I know what is due to the Premier of this country, whoever he may be. In my remarks on the

motion which I have submitted to the House, I endeavored to make no statement which was not borne out by facts, and I am not ashamed of anything I have said. I am prepared to let the public decide between the Government and their opponents in this matter, and I have not the slightest doubt as to what the verdict will be. Is it my fault that the railway policy of the Administration has been a succession of jobs and blunders? I have nothing against any member of the Government personally, but I cannot conscientiously support men whose policy is so injurious to the country. As far as I can remember, the only allusion made to the Premier during the discussion, was that he had not accepted the report of Mr. Murdoch, one of the Government engineers, and the expression I made use of was, that it was to be regretted he had not done so. It was on that slender foundation the hon. Secretary of State made his assertion; but I suppose he was speaking for the outside public rather than for this House. I only wish the whole of this debate could go before the public, and then the public would not be misled by the interpretation the hon. Secretary of State has put upon the statements of hon. gentlemen in this House.

Hon. Mr. AIKINS—Perhaps it would be just as well in considering this report, to ascertain what was the cause of the appointment of this Committee. It will be within the remembrance of most hon. gentlemen of this House, that in asking for certain papers in reference to the dredging of the shoal at the mouth of the Kaministiquia, last year, I referred to a document that had been brought down to this House, and which at that time was printed, showing the cost of the lands purchased for the terminus at Fort William. In that speech before the House I made these remarks: I referred not only to the price paid for the land, which I considered extraordinary and exorbitant, but also to the fact that these lands had been purchased the summer before for four dollars a lot, and that although some of them might have changed hands their intrinsic value was not increased at all—that the value was given to them by the railway. I also referred to the fact that a good many of those lands were held by Oliver,

Davidson & Company, and not only that, but the Neelby Hotel had been erected there after the ground had been selected by the Government, and after the parties must have known that the reservation had been made. The Secretary of State, feeling he could not meet the force of the statements, because they were true, suggested at that time that I should accept a committee and prove the statements I had made to the House. I shall read what he said in referring to the information about the dredging. He said there was no objection to the papers coming down, and he added :—

“The statement that these lands had been purchased at \$4 per acre, and sold to the Government afterwards at \$500 per acre, was not true to the extent the hon. gentleman supposed. Some of these lands might have been purchased from the Ontario Government years ago at low prices, but in many instances they had changed hands frequently, and at prices quite as high as the valuers had placed upon them. He suggested that this matter might be investigated by the same Committee that was now engaged in enquiring into the best route for the Pacific Railway. It was a duty the hon. gentleman owed to the country, if he believed the valuers to be guilty of fraud, to have them examined and this matter thoroughly investigated.

“Hon. Mr. Aikins—I did not say they had committed fraud.

“Hon. Mr. Scott said if the charges against them were true they had committed fraud.”

That is, that they had paid five or six hundred dollars for lots which had shortly before been purchased from the Ontario Government for four dollars a lot. Then he goes on to say, that if I asked for a committee, he would second the motion. He has not only fallen foul of that Committee, but also of the House, because it refused to alter the names on that Committee at all.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. AIKINS—Allow me to call the attention of the hon. gentleman to the Official Report of the Debates, and to show him that if he had not allowed his feelings to get the better of his judgment, his memory would have served him better. I find, in reference to the appointment of the Committee to inquire into the communication with the North-West, a question did take place as to who

*Hon. Mr. Aikins.*

should constitute that Committee, which was asked for by the hon. Senator from Manitoba (Mr. Girard). The hon. Secretary of State said it was quite unprecedented for an Opposition to have a majority on such a committee; but the Committee was appointed, and it had about got through with its work, when the hon. Secretary of State was so well satisfied with the manner in which the Committee conducted the investigation, that he was quite willing this reference should be made to it, and he actually suggested it himself. He has nothing to complain of now, and certainly no ground for making the charge that the House refused to allow any one who had been suggested by the Government to be appointed to that Committee. The reference was to inquire into the lands purchased on the Kaministiquia. The hon. gentleman to-day would leave the impression on the House that, had that Committee dealt fairly with him, or had the opportunity been afforded him, he would have brought evidence to fully establish—more than establish—the ground he had taken that the Government had not paid too much for these lands, but had acted fairly throughout this whole matter, and that the best point had been selected for the terminus.

Hon. Mr. SCOTT—I did not say the Committee had prevented me.

Hon. Mr. AIKINS—The hon. gentleman said he had not an opportunity of calling some witnesses.

Hon. Mr. SCOTT—I said I could not call Mr. McKellar during the winter.

Hon. Mr. AIKINS—The hon. gentleman said, when the reference was made, that three witnesses would be all he need call before the Committee to satisfy them and the House his statements were correct, and he named those witnesses. They were Mr. Sandford Fleming, and the two valuers; but the hon. gentleman has called no less than twenty-one witnesses.

Hon. Mr. SCOTT—To meet evidence on the other side.

Hon. Mr. AIKINS—The number of witnesses called on the other side was

only ten, and some of those would not have called had not the hon. gentleman brought down several lake captains. It was not my intention to call any until those captains were summoned to give evidence on a point that was not referred to the Committee. The Committee then decided other witnesses should be heard on the other side. The hon. gentleman called twenty-one witnesses, and I have no hesitation in saying those witnesses established everything I stated on the occasion of the appointment of that Committee. The Secretary of State says that this report misrepresents the facts, and he takes exception to nearly every clause in it. With regard to those two harbors,—Prince Arthur's Landing and Kaministiquia—I think the report very fairly presents their comparative advantages, and that the evidence will sustain the finding of the Committee. More than that, I do not think there is one statement in this report which is not based on evidence given during the investigation. The Committee say, either the Landing or the River would make an excellent harbor—the Kaministiquia by dredging, and Prince Arthur's Landing by a moderate expenditure on permanent work. I think it would be just as well for us to enquire into what the Kaministiquia has really cost us in dredging up to the present time. I find by the report of the Minister of Public Works for 1876, that it was expected to have made the channel through the bar thirteen feet deep and fifty feet wide, during that season. We find that dredging did proceed in 1876 and 1877, and there is now a channel of fifty feet wide and thirteen deep. I think the Secretary of State will not object to the evidence of Mr. Kingsford, which was given very fairly. Mr. Kingsford says, in his evidence, the expense for last year was \$8,050—that was the season of 1876—and the expense for 1877 was \$10,000. He says, in order to complete the work—that is forty-four feet wide, and thirteen feet deep—would involve an expenditure of \$10,000 more. Now, bear in mind that over \$8,000 was expended in 1876, \$10,000 last year, and \$10,000 more will be required this year, making \$28,000; and that the Ontario Government expended \$22,000, which makes \$50,000 already spent to obtain a

cut through this shoal fifty feet wide and thirteen feet deep. Now, it is necessary that we should understand really what that work is going to cost us to make the Kaministiquia a harbor, in order to compare it with Prince Arthur's Landing. Mr. Kingsford, in his evidence, says, that the cut should be at least one hundred or one hundred and fifty feet wide through that shoal. If it has cost \$50,000 to make a cut forty-five feet wide and thirteen feet deep, how much will it cost to make a cut one hundred and fifty feet wide and thirteen feet deep? Mr. Kingsford says it would cost about \$64,000 in order to cut through that shoal eighteen feet deep, and in the river to make it seventeen feet deep.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. AIKINS—Judging from what has been spent on the shoal already, it is extremely difficult to ascertain how this extra work can be done—to make it five feet deeper and ten feet broader for any such amount. However, these are his figures. It must be taken into account, also, that Mr. Kingsford did not refer in his evidence—because it did not belong to his department—to what it would cost to protect the banks of the river. Gentlemen who were up the river last year, must have seen that the banks are beginning to slip into the river. Mr. Kingsford made no estimate for dockage, but he gives us an estimate of what it would cost to make a pier or breakwater of permanent work at Prince Arthur's Landing, which would answer all the purposes of docks there; and that work he puts at from \$280,000 to \$600,000—the estimate varying according to the extent of the work. Hon. gentlemen must bear in mind until that railway is completed from Thunder Bay to Red River, there will be very little freight passing through it. It is a matter of very little moment whether the Kaministiquia may be used or the Landing, except for the provisions required by the contractors, and the materials necessary for the construction of the railway. Up to the present time, since Confederation, we have it in the evidence of Mr. Marks, that of the 1,500 vessels that reported themselves at the Custom House at Prince Arthur's Landing, not

one to his knowledge, had to leave the harbor or dock from stress of weather. Now, that is certainly a very important statement, but the Secretary of State to-day, leads us to believe that it was impossible to lie there in case of storm—that if a vessel should lie there, it would be lifted on top of the dock by the waves. It appears that only one vessel ever got into trouble there. Captain Symes had in 1874 to leave the dock, but at that time it was only three or four feet high, and he had a side-wheel steamer. The surges lifted the steamer, and the wheels caught on the dock. The question was asked if the dock had been as high then as it is now, would he have left the harbor, and he said "No." That is the only case in which a vessel had to leave Prince Arthur's Landing during bad weather, from 1869 up to the present time, notwithstanding the large number of vessels annually reporting themselves there. Now, I thought that the Committee, in this clause of the report, really put the case very fairly. They stated that permanent work would be required at Prince Arthur's Landing. We know there is no necessity for that work now, because there is nothing to warrant such an expenditure until there is some freight passing over the railway; and that will not be until after the link of 180 miles between English River and Rat Portage is constructed. There is another feature in connection with the Kaministiquia. Mr. Kingsford very frankly admits there would have to be constant dredging there. The hon. Secretary of State says it is not a river that is filling up, and he would lead the House to believe that it is as deep now as ever.

Hon. Mr. SCOTT—So Mr. McKellar stated, and he took the soundings.

Hon. Mr. AIKINS—Mr. McKellar is but one of a number of witnesses, and we have to take the whole of the evidence. We have had the evidence of Captain Anderson, and every member of the Committee who heard that gentleman give his evidence must have come to the conclusion he was speaking honestly. He was captain of the steamer "City of Quebec," which he has commanded for three or four years, and which he has taken there one hundred and six times.

*Hon. Mr. Aikins.*

He went there this spring, and before trying to go up the river he ascertained whether he could enter it or not. He chartered a tug, and took soundings up and down the river, and though he had gone up with the same steamer last fall, he refused to go up this spring, but discharged his freight at the landing. If that cut were as deep to-day as it was last fall, he would not have found it necessary to leave his freight at the Landing.

Hon. Mr. SIMPSON—The water is lower this spring by nearly a foot than it was last fall.

Hon. Mr. AIKINS—There is the fact at any rate, and with that staring us in the face, and with the evidence of an experienced and intelligent man, that constant dredging will be necessary to keep the channel of that river open, the hon. Secretary of State contends that the Kaministiquia is a superior harbor to Prince Arthur's Landing. As to whether the channel outside will fill up, I cannot say, but a large amount of silt is carried down every year; there can be no doubt of that. The bar in the mouth was formed that way. The hon. gentleman says that the evidence given in favor of Prince Arthur's Landing, was not such as could be depended upon. I think I can appeal to the members of that Committee, to say if the opinions of captains that have been most frequently there, and whose opinions certainly ought to be entitled to some weight, do not sustain the evidence of the inhabitants of Prince Arthur's Landing. We have the evidence of Captain Dick, who has been sailing on Lake Superior for three years in the "Rescue," and who was one of the first captains that had sailed there. However rough the lake might be outside, in the bay it was comparatively calm, and, to use his expression, "the vessel rode like an old shoe," it was so easy. We have the statement of Captain Henderson, for four years master of the "City of Quebec," as follows:—

Q. What is your opinion with regard to the comparative merits of Prince Arthur's Landing and Kaministiquia River, as a harbor? In their present state I would prefer Prince Arthur's Landing, but if the river had what I consider necessary, I think it would make a noble, good harbor.

Q. What do you consider would be necessary to make it that? I consider it would need to

be thoroughly dredged at the bar, to at least 200 feet wide, or 250 feet; then pierce and pile on the outside, and a fog whistle established at the outer lighthouse, so that we could find the entrance in foggy weather.

Q. To what depth would the dredging be required? Almost sixteen feet.

Q. With a similar expenditure at Prince Arthur's Landing, for improvements in the shape of a breakwater, how would you compare the two then? Then I would rather go to Prince Arthur's Landing.

Q. Would it be necessary to widen the channel through the bar to a width of 200 or 250 feet, and also dredge the river? I think it ought to be at least 150 feet wide on the bar between the piers.

Q. You think the channel outside the mouth ought to be pierced? Yes.

We have also the opinion of Captain Robertson, who has sailed there four years, and who has been over one hundred times at that place. His statement is, that however rough Lake Superior may be, the moment you get inside Thunder Bay it is perfectly safe, and he never had any trouble at the Landing. Then we have the opinion of Captain Macdonald, who has sailed there one hundred and thirty-six times off and on. He commanded the "City of Duluth," one of the largest vessels on the lake,—that is, calling at the ports on the north shore,—and his evidence is in the same direction. He would give the preference to the Prince Arthur's Landing. On the other side, the hon. gentleman brought a number of captains. Captain Murray has been there thirty-nine times; and then we had three brothers MacMaugh—three brothers who are captains of small vessels, and brought up the railway iron to Thunder Bay. Their opinion is decidedly in favor of the river. One of them was only twice there, another five times, and the other four times. But the evidence of all the captains goes to show this—that so far as Prince Arthur's Landing is concerned, they considered it a good harbor. Captain Symes is the only one who gives the preference to the Kaminstiquia. His vessel is a small boat, and draws but eight or nine feet of water. He can, therefore, go up there with less difficulty than larger vessels experience. He expressed himself very strongly in favor of the river; but an extraordinary

*Hon. Mr. Aikins.*

thing has occurred to Captain Symes this spring. In his first trip he went to the Landing. He was going up the river on a bright night, the range lights were up, the water was calm, and yet Captain Symes ran aground.

Hon. Mr. SCOTT—The vessel struck a crib that moved in the winter.

Hon. Mr. AIKINS—Mr. McKellar does not say it moved in the winter. He says the vessel struck the crib. But a man like Captain Symes, who had been there so often and knew the place so well, on a bright night, without any fog, and with the range lights up, ought not to have stuck fast there if the river was all that he described it. Now, a statement has been made by the hon. Secretary of State with regard to the closing of this river. He says there is not a tittle of evidence to show that the river closes eight days before the harbor does.

Hon. Mr. SCOTT—I say there is no authentic record kept regularly.

Hon. Mr. MACPHERSON—"No evidence in print," is what the hon. gentleman said.

Hon. Mr. SCOTT—I contrasted the evidence given by a gentleman who kept a log with the evidence of men who had only their memory to depend on. Captain Symes was the only one who submitted a regular log. I could not stultify myself by saying there was no evidence in print.

Hon. Mr. AIKINS—The hon. gentleman left the impression on my mind, and must have left it on the minds of many hon. gentlemen in this House that the only evidence was given by Captain Symes.

Hon. Mr. BROWN—Not at all. I watched the hon. gentleman's statement very closely. He spoke of written evidence as in contradistinction to that which was oral.

Hon. Mr. AIKINS—I do not think it is material any way and for this reason, we do not find that Captain Symes left the harbor so very late in the season as to

ascertain whether it was frozen or not. He left the latter part of October.

Hon. Mr. VIDAL—The only time he refers to it the river was frozen.

Hon. Mr. AIKINS—We have the evidence of Mr. Dawson who says that the river closes from two to three weeks earlier than the bay. Mr. Marks' evidence is about the same. Then we have the evidence of Mr. Sutherland that the river was frozen when the bay was quite open. Captain Dick was up to Fort William on the 13th November, and at that time the river was frozen, but there was no ice in the bay. We have the evidence of John Clark who took a schooner loaded with lumber down the bay, and actually brought the lumber down from Fort William on the ice and put it on the schooner at the mouth of the river. I think the Secretary of State was scarcely warranted in stating to this House that there was not one tittle of evidence that could be relied upon except that of Captain Symes.

Hon. Mr. SCOTT—All the rest was from memory.

Hon. Mr. MACPHERSON—The hon. Secretary of State was misleading the House.

Hon. Mr. AIKINS—There is one idea that might have occurred to the hon. gentleman if he was very anxious to know when this river closed—why not ask Mr. McKellar, who lived there for years? The Committee were so thoroughly impressed with the fact that the river closed earlier than the bay that the hon. gentleman did not question Mr. McKellar on the point.

Hon. Mr. SCOTT—I thought I had sufficient evidence without questioning him.

Hon. Mr. AIKINS—Now, as to the terminus; the hon. gentleman took a very strong ground to-day, and he endeavored to make the House believe that the terminus was selected by Mr. Fleming.

Hon. Mr. SCOTT—I read the testimony.

*Hon. Mr. Aikins.*

Hon. Mr. AIKINS—The hon. gentleman only read part of the testimony. I think any hon. gentleman who reads Mr. Fleming's evidence, can come to but one conclusion. He says the Government selected the spot where the railway should terminate, and that he recommended all this colored portion to be purchased. He (Mr. Fleming) is distinct in stating the Government fixed upon the town plot. Then we have the evidence of Mr. Murdoch, who says that Mr. Mackenzie wanted the terminus to be at the head of navigation. Mr. Murdoch said at once: "If you want to select the head of navigation, then the town plot is the place." And Mr. Murdoch got his instructions based on that, that he was to take the place which was at the head of navigation. That statement was corroborated by Mr. Mackenzie himself.

Hon. Mr. SCOTT—Coupled with the statement that Mr. Mackenzie thought Pointe des Neurons was the head of navigation.

Hon. Mr. AIKINS—Mr. Murdoch said the town plot was the head of navigation, and Mr. Mackenzie therefore selected the town plot; but the hon. Secretary of State tried to make a point by saying that Mr. Murdoch received his instructions from Mr. Fleming. Certainly he received his written instructions from Mr. Fleming, and he could have received them from nobody else. The hon. gentleman must have been seeking to mislead the House when he represented that the selection was made by Mr. Fleming. So much with regard to the selection of the terminus. In this report the contention is, that the Kaminstiqua having been selected as the harbor, the best place on that river has not been chosen. The hon. gentleman, in order to break the force of the evidence, impugned Mr. Murdoch's evidence, and represented that the Committee based all their statements upon that evidence. But we have the evidence of Hugh Wilson, one of the valuator, and a man who has known that section of country well for years. In his opinion, I suppose, exercising the common-sense which he has—and inasmuch as he was qualified to act as valuator, he should have been able to select the best place for the terminus—the best site for the terminus was not chosen.

Hon. Mr. SCOTT—Would you have him locate the terminus ?

Hon. Mr. AIKINS—I would not ; but Mr. Wilson had common-sense enough to know that a place twenty-seven feet above the water level was not the proper place for the terminus. Then we have the evidence of Mr. Savigny, who surveyed the land there ; and more than that, we have Mr. McKellar who gives his evidence in regard to that. He considers that lower down the river is in every way more suitable for the terminus, the bank there being from six to ten feet above the water level, whereas at the town plot the land declines from twenty-seven feet down to about twelve feet, so that in making up trains it would be necessary to run on a grade nearly all the time. All the members of that Committee; I am free to say, if the selection were to be made again, would have taken the McKellar farm instead of the place chosen. We come now to the purchase of the land. The hon. gentleman says that this town plot was laid out in 1865.

Hon. Mr. SCOTT—Over ten years back.

Hon. Mr. AIKINS—It was laid out in 1859. He says, in 1872 all the lots were sold.

Hon. Mr. SCOTT—I said in 1873 very few lots were left.

Hon. Mr. AIKINS—In the report brought down, it appears that four acres were obtained from the Ontario Government.

Hon. Mr. SCOTT—That must have been a reserve.

Hon. Mr. AIKINS—Be that as it may there is this extraordinary fact, that the Government made that selection in June, 1874. The hon. gentleman shakes his head ; but that is the evidence given by Mr. Fleming and Mr. Murdoch. Mr. Murdoch was instructed in June, 1876, to make the surveys there, and he surveyed from that point to Lake Shebandowan and Lac des Mille Lacs. That is when it was selected.

Hon. Mr. SCOTT—No.

*Hon. Mr. Scott.*

Hon. Mr. AIKINS—This is the evidence given before the Committee, and it has never been impugned. If the hon. gentleman thought that important, he should have examined some witnesses to ascertain the facts.

Hon. Mr. SCOTT—I read Mr. Fleming's evidence, in which he says January, 1875.

Hon. Mr. AIKINS—Mr. Fleming, in his evidence, says instructions were given to Mr. Murdoch to commence the surveys in 1874, and that is the time the selection was made. Now, after the location was made, no action was taken for two years, and we find that, although Mr. Fleming wrote to the Government warning them that speculators were getting hold of the lots, the Government took no steps to have the necessary reserves made. We find that Mr. Clark, who had bought lots at four dollars a piece, sold them after the Government had determined that the terminus of the road should be on the Kaministiquia, at sixty dollars a piece, and one lot at eighty or one hundred dollars. This was in the fall of 1874, and the Government actually paid two hundred and fifty to three hundred dollars a piece for the same lots in 1876, though they had been purchased in 1871 for four dollars each. Then there was a sale of lots in 1870. How many of them the Government got we do not know. There were twelve lots sold to Allister Clark for fifty dollars a piece. Mr. Clark, in the fall of 1874, sold them for ninety dollars a piece to Oliver, Davidson & Co., who sold them to the Government for two hundred and fifty to three hundred dollars a piece. The hon. gentleman, in the face of these facts, tells us that these lots were worth all the Government paid for them, and that they could sell a portion for the cost of the whole. Fifty or sixty dollars a piece were speculative prices, paid by parties who were speculating on the chance of the railway going there. They were sold to a gentleman who knew where the terminus was to be, and he had the advantage of disposing of them to the Government for two hundred and fifty to three hundred dollars a piece. The firm of Oliver, Davidson and Company obtained from the Government for their property at Fort William, including the Neebing

Hotel, about \$20,000. The cost of these lands up to the present time, so far as can be ascertained by the Public Accounts, is over \$67,000, and Messrs. Oliver, Davidson and Company appear to have received nearly one-third of the whole. It must strike hon. gentlemen as being something extraordinary that these gentlemen should have been so extremely fortunate as to be able to secure those lots at such very low figures, and sell them to the Government at such very high prices. Had the Government acted promptly and taken possession of those lands in time, they would not have had to pay one quarter as much as they cost the country. Oliver, Davidson and Company owned lot number six in the township of Neebing, a wild lot just adjoining the town plot on the west. Of this lot, about eight acres was required by the Government, for which the valuers allowed about five hundred dollars an acre, or \$4,000 for the whole, although this lot, containing one hundred and thirty-seven acres, had been purchased in 1872 for less than five dollars an acre. It cost six hundred dollars, and yet a portion of this lot, only eight acres, was sold to the Government for \$4,000, though that land did not touch the river at all. The front lots are still held by these gentlemen, and last summer they were erecting a hotel upon it. In the statement I made last year before this House, I referred to the gentleman associated with the valuers, Mr. Brown, and I understood at that time that he was merely the "Co." of Oliver, Davidson & Co. It appears that another gentleman is associated with them. He has one-sixth interest of the whole. Mr. Brown was sent up there in connection with the valuers. In our report we say we do not think he ought to have gone up there, for the simple reason that he was an interested party. He went up there with instructions which might leave him open to give advice to the valuers if he thought proper to do so. He did give advice, and such advice that the Minister of Public Works wrote a very sharp letter to him; and more than that, he gave advice which, if acted on, would have benefited himself. Now, the Railway Act of 1868 makes the provision that where a portion of land is taken, when estimating the value of that land, the arbitrators are to take into account the increased value given to the

*Hon. Mr. Aikins.*

rest of the property. This would apply to lot No. 6, in Neebing Township. They had one hundred and thirty-seven acres, of which about eight acres were taken. But the valuers were informed by Mr. Brown that the Railway Act did not apply.

Hon. Mr. SCOTT—Mr. Read did not take the advice.

Hon. Mr. AIKINS—But Mr. Brown did advise; hence you can see a person who would advise that, was not a fit man to be sent there. We all know how much the valuers would be influenced by the opinion of the solicitor sent there by the Government. We know they did ask an opinion when they were not decided as to what course they should pursue, and we know the advice he gave them. I think this report is well sustained by the evidence given in that Committee. More than that, I think every statement I made in my place here has been verified by that Committee. I have no desire to reflect on the hon. gentleman, but it struck me if he had been a little more calm, and presented his view of the case in more moderate language, it would have been more acceptable to the House.

Hon. Mr. HAYTHORNE—As one who served for many days on that Committee, I feel it incumbent upon me to make some remarks; and I must say, while speaking on this matter, though personally my own feelings are not touched, I am wounded through my friends, and consequently on all occasions I may not keep from saying words that might be better unsaid. However, I shall endeavour to keep myself within the bounds of Parliamentary usage, and say nothing distressing to hon. gentlemen. At the same time there are circumstances connected with this enquiry which are of a very aggravating description. I may further remark that members who are supposed to represent the minority in this House have acted on that Committee at great disadvantage. I at one time understood an application had been made in this House for leave to have evidence printed from time to time and have it delivered to members as printed, but the resources of the printing houses in this city fell short of the necessities of the case, and the con-

sequence was the evidence soon got into arrears. Trusting to receive the evidence in print, I failed to take notes as I should have done; consequently, I find myself with nothing but my memory to fall back upon. I must say, in regard to the speech of the hon. Secretary of State, that it was so exhaustive in its character, and so satisfactory to myself individually, and I am sure to every gentleman who has been in the habit of supporting the Government, that it leaves very little indeed to be said further on that question, and I feel in going over the report I am only treading in the steps of other hon. gentlemen. There are some circumstances I feel it my duty to refer to. I must state this in the commencement, that although I do not charge against the majority of the Committee that there are deliberately untrue statements in their report—that would be unparliamentary, and perhaps inconsistent with the fact—I do contend it is a colored report.

Hon. Mr. BROWN—Hear, hear.

Hon. Mr. HAYTHORNE—It is a report taken from one part of the evidence only, without regard to the evidence favoring the minority. Sufficient prominence is not given to far more impartial, and, in my judgment, more truthful, evidence of witnesses whose evidence was given in the interest of the Government. I think, in looking through the report, that statement can very fairly be borne out by facts, and by reference to the evidence itself. The report commences with a discussion of the respective merits of the rival harbors—Prince Arthur's Landing and the Kaministiquia River. I must say that, after all, the really important interest centres upon that, because the other details, to which a great deal of prominence has been given, and on which a great deal of evidence has been taken, are comparatively unimportant in face of the preliminary enquiry in the first passage of that report, with reference to the relative advantages of the two harbors. In my judgment the majority report has not given a fair statement with regard to the Kaministiquia River. The advantages of Prince Arthur's Landing have been put too prominently forward, while the still greater advantages of the Kaministiquia River have been kept in

Hon. Mr. Haythorne.

the background. Take, for example, the dredging on the Kaministiquia. That, I think, has been exaggerated; and the statements also which have been made by hon. gentlemen in this House, with regard to an unfortunate choice of site on the river—there, again, is another point in which the majority report has been unsatisfactory—the real fact of the matter, with regard to the lower parts of the river, is that the water is shallower. By reference to Mr. Kingsford's evidence, that point is clearly brought out, and any one who will take the trouble to consider the nature of the bar at the mouth of a river like the Kaministiquia, will believe that the water next the bar is shallower than at other parts of it. That is confirmed by Mr. Kingsford's evidence, in which he says:—

“ You must make the Kaministiquia eighteen feet deep on the bar, and seventeen feet in the river. We have laid off a winding basin at the junction three hundred feet wide and twelve hundred feet long. It is included in my estimate. By making the river seventeen feet deep, one hundred feet wide, and two hundred feet wide through the bar, the cost of dredging would be eighty-one thousand, seven hundred dollars. To make it only one hundred feet across the bar, it would be sixty-four thousand dollars.

Q. And what depth?—Eighteen feet across the bar and seventeen feet in the river. But for a channel throughout, 100 feet wide and 17 feet deep the estimates is \$64,000. Of course periodically it would have to be dredged to keep it open. As a rule, the cost of dredging for a season, including wages, keep full all repairs, and wear and tear, is \$7,400.”

That, I think, shows the engineers displayed a correct judgment in preferring a terminus higher up the river than opposite the McKellar Farm, and other localities held forth by hon. gentlemen in that Committee as superior to the town plot. Then, again, there is a period during which this river remains open. An effort has been made to depreciate the testimony of Captain Symes on this point; but it does not appear to me that effort has been at all successful, inasmuch as Captain Symes bases his experience on a log he kept on board his vessel, and that is about the most impartial testimony which can be furnished, because it is utterly impossible that Captain Symes could have had any design when he made those entries. He could not have antici-

pated he would have been called before a committee, to give evidence as to when the river closed. Captain Symes' evidence impressed me most favorably as to his intelligence, and the reliance that might be placed on his testimony. I do not mean to derogate in any way from the evidence of the other captains who were called on the other side; but one of them, Captain Anderson, had very substantial reasons for preferring Prince Arthur's Landing to the Kaminstiquia, because, I think it came out in evidence that he had received a very handsome present in gold from the citizens of Prince Arthur's Landing. I dare say he was a worthy man, and thoroughly deserved the present he obtained, but it would be no matter of surprise if that gentleman should have predilections in favor of Prince Arthur's Landing. To show the animus which sometimes enters the breast of some hon. gentlemen, my hon. friend, (Mr. Aikins) speaking of his friend Clark and his lumbering operations on the Kaminstiquia River, said that gentleman had on a certain occasion loaded a steamer with lumber which had been drawn down the Kaminstiquia on the ice, and put into the vessel at the edge of the ice. I have been accustomed to dealing with ice myself, as I live by the seaside, and I have been troubled a great deal by it myself. I was rather suspicious of the statement that anybody could venture on the river with the ice in that state, because we know he would risk the loss of his horses. I asked the witness if he brought it down with horses. No, he said, it was with dogs and Indians. I presume that a river that would not bear any vehicle heavier than a dog-train and the weight of some Indians, would not prevent the traffic of the North-West getting out in the fall. That is an example of the animus of the hon. gentleman. He could overlook the fact it was brought down to the schooner's side with dog-trains.

Hon. Mr. AIKINS—They have no horses there.

Hon. Mr. CAMPBELL—What weight of lumber was drawn down on each occasion? Would it weigh as much as a horse?

Hon. Mr. HAYTHORNE—It is very

*Hon. Mr. Haythorne.*

seldom sleighs break through the ice, it is the horses.

Hon. Mr. VIDAL—That is no answer.

Hon. Mr. HAYTHORNE—It is; because you can spread a load over a considerable area of ice; a horse's hoof would go through it like a hammer. A good deal of importance has been attached to Mr. Murdoch's evidence by the majority of this Committee. I shall approach that subject with the greatest diffidence. I, myself, owing to circumstances which have been detailed in this debate, and circumstances also proved by the Committee, cannot attach any importance to Mr. Murdoch's evidence. But, at the same time, looking at the circumstances under which that gentleman left the public service, I should be very glad to abstain from referring to him at all. I do say the Government were perfectly justified in rejecting Mr. Murdoch's proposals, inasmuch as he had been charged with misconduct which led the Government to withdraw their confidence from him, and the culminating point—that of having employed a person under his charge on work which was not Government work, and having, himself, the expectation of receiving benefits from the carrying of the line to McIntyre's estate—shows me that no statement from Mr. Murdoch, as to the relative advantages of the upper and lower portions of the Kaminstiquia as a terminus, can be depended upon. The Committee proceeded to reflect upon the system pursued in purchasing land at Fort William. I must say, having had some experience in the locating of a railway in the Province to which I belong, and with that experience before me, the conclusion I arrived at in regard to this matter is quite the contrary to that reached by hon. gentlemen on the other side of the House, who signed the majority report. I conceive that the Government took the proper course in acquiring this land that they obtained a most appropriate and valuable terminus, and obtained it on the whole on terms by no means disadvantageous to the country. I venture to say no member of that Committee approached the enquiry with less bias than myself. I knew nothing about the locality, and after all the gross charges that had been made through-

out the length and breadth of the land, I commenced the investigation almost fearful lest the Government should be unable to clear themselves of some of those charges which had been brought against them. There may be a few details which have not been explained, but in the main points of the enquiry the Government have come out scathless. I am confident from the experience I have had in other places, that to have left the question of indemnity to those separate owners whose lands were taken for the terminus, to individual arbitrators, would have cost a vastly larger sum and ultimately would have given less satisfaction to the people of Canada than the course pursued by the Government. They appointed valuers who were not authorised to close, but whose duty it was to report to the Government. They did report; and it is evident they entered into that enquiry with a sense of the duty imposed upon them, and an honest desire to discharge that duty faithfully. I must say I think they conducted that valuation with great discretion, and the results they arrived at, with some inconsiderable exceptions, ought to be satisfactory to the people of this country at large, although the majority of the Committee did not appear to think so. With reference to the clause of this Railway Act to which so much importance has been attached, I know that in my own Province, when the railway was projected, the same precaution was taken, and a clause was introduced in the Railway Act in almost the identical words of that which has been referred to in this enquiry, and although every effort was made to keep the prices within moderate bounds, it was found most unsatisfactory. I recollect one instance which will serve to show the great rise in the value of land, which must inevitably occur when railways are anticipated to pass through a country. A great deal of blame has been thrown on the Government in that respect, and the rise in the value of those lands has not been fairly stated by the majority of the Committee in their report; because it is evident that rise in value had commenced long before it was ultimately decided that the terminus should be there. In Prince Edward Island we noticed precisely the same thing. I recollect in the town of Summerside, in 1869, before there was any probability of a railway

being carried through it, I was offered land for Government purposes at a price equal to about \$2,000. Two years later, that very same land was taken by the Government for a railway station at \$12,000. I can quote another instance in the same town, where a very small strip of land, so small a piece that it was scarcely susceptible of measurement by the yard, was cut from the back of a ship-yard, and for that little strip \$10,000 was paid by the arbitrators. That place has ever since gone by the name of the golden ship-yard. It shows how difficult it is to arbitrate as to the value of property where the Government is concerned. I might quote from our experience to show the vicissitudes which take place in the prices of property under such circumstances. If the hon. Senator opposite (Mr. Haviland) chooses, he can confirm what I have said with regard to the extraordinary differences in the prices of land in the Province of Prince Edward Island, owing to the location of the railway. Now, it appears to me there has been a disposition on the part of the hon. gentlemen who signed the majority report—

Hon. Mr. MACPHERSON—The report is the report of the Committee. There is no minority report or majority report.

Hon. Mr. HAYTHORNE—In the report that has been laid before the House, there has been a disposition to put everything in an unfavourable light to the Government. With respect to the Neebing Hotel, the inference has always been that it was built, and sold to the Government, with the view to enrich certain men who are favorable to the Administration. I cannot see that there are the slightest grounds for that. It seems to me the explanation of the building of that hotel is a perfectly natural one. I should say the hotel has been built, not with a view to making a large sum of money out of the Government, because no candid man would suppose for a moment, that men like Oliver, Davidson, Leys, Peter Brown and others who launched \$50,000 to \$100,000 in a speculation, would trouble their heads about such a trumpery matter, in which a couple of hundred dollars would fall to their own share, or build the Neebing Hotel to make money out of the Gov-

ernment. The natural explanation why that hotel was built was this, they had speculated largely in lands there, and it was their interest to add to the value of those lands by every possible means in their power, and they knew one way to draw the people to that country was to provide shelter for them. Of what use would it be for people to go to Fort William if they found no shelter to go to when they got there. Then they knew there would be a vast number of laborers employed about Government works, or prospective buildings about to rise in the town which was to become the terminus of the Canadian Pacific Railway, they came to the conclusion it would be a very successful speculation there, and that if it were in operation for three or four years, or even a shorter time than that, a large profit would be made out of it—much larger than the price of the lumber put into it—and consequently it was not with a view of imposing on the Government, but for the purpose of adding to the value of their own land that it was built. That, I think, is the natural explanation of the reasons which influenced Oliver, Davidson & Co. to construct the Neebing Hotel. They found in Mr. Henderson a man suitable for the purpose they required, and, being a builder, they sent him to erect the hotel. The basis on which he was acting was simply this—the Neebing Hotel was to be charged to him at cost price. His interest, therefore lay in keeping down the cost as much as possible, and he was to have the privilege of renting it for five or ten years afterwards; and it appears he lost no time in getting possession of it, for no sooner had he two or three rooms completed than he applied for a tavern license, and he had a New Year's ball in the building on one occasion. That is a more natural explanation than that which has been given by hon. gentlemen opposite of the motives which influenced such men as Oliver, Davidson & Company to construct a hotel.

Hon. Mr. MACPHERSON—The hon. Secretary of State calls them "land jobbers."

Hon. Mr. HAYTHORNE—Considerable stress has been laid on the evidence of Mr. Savigny and Mr. Clark, and it has

*Hon. Mr. Haythorne.*

been endeavored to implicate the Premier in a job. Mr. Mackenzie's character was too elevated, I should have thought, and too pure to have been spoken of in such terms.

Hon. Mr. MACPHERSON—Where is that done?

Hon. Mr. HAYTHORNE—There is nothing implicating Mr. Mackenzie in the report any more than it gives undue prominence to evidence which tells against him and his friends. For example, this testimony of Clark's is, to my mind, by no means reliable. If I were a jurymen in the case I should not attach much importance to his evidence, because it is not consistent, and otherwise is not so reliable as the testimony of Mr. Davidson. I carefully abstain from giving expression to my real opinion upon that point, because, perhaps, it would be improper to say what I believe with regard to Mr. Clark's evidence. I believe it is untrue, but I say possibly he may have been mistaken in dates, that the periods at which he says Mr. Davidson told him he had shown him a map which he had received from headquarters, was later than he supposes. I believe his statement was utterly untrue. Moreover, we have Mr. Mackenzie's evidence on that point, for he states explicitly he never said, directly or indirectly, where the terminus should be.

Hon. Mr. MACPHERSON—No one imputes it to him.

Hon. Mr. HAYTHORNE—It is true the Committee have not said in so many words that Clark charged Davidson with saying he obtained the information from Mr. Mackenzie; but you have given more prominence to Mr. Clark's evidence than to that of Messrs. Davidson and Leys, who are far more worthy of credence than Clark and Savigny, who contradict each other. After the very exhaustive speech of the Secretary of State, I do not feel disposed myself to go at any length into this question. I believe there are gentlemen here who can undertake the defence of the Premier of this Dominion more effectually than I can; but to no one else will I yield in my thorough

belief in and admiration of that hon. gentleman.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. HAYTHORNE—I believe his conduct in relation to this matter is beyond reproach, and it is perfectly evident, by the letter to Mr. Brown, his care of the public interest was paramount that the public interest was ever before his mind; and any one who will take Mr. Mackenzie's evidence, and read it carefully with an unprejudiced mind, will come to the conclusion that he has used his best abilities to serve the country faithfully.

Hon. Mr. KAULBACH—It seems to me the hon. Secretary of State almost forgot his position as a Minister of the Crown when he spoke in such a violent manner of this House, charging them with having prostituted their high position and the Committee with having brought in a false report. He went so far as to say the Committee had been appointed for that express purpose and also for the purpose of condemning the Government. When asked to show the evidence on which he based his charge that the report was false, the hon. gentleman failed to do so except by manipulating some extracts from a part of the evidence which did not bear out the position he took. After having made such reckless assertions and unfounded charges, he apologized for his unparliamentary language. This is not the first time the hon. gentleman has used very violent language in this House, which he has refused to withdraw at the time, though, at the close of his speech he has apologized for the use of it. I am sorry that a gentleman who occupies such a high position should let his feelings so far pervert his judgment that he uses language for which he is obliged to apologize to the House. The hon. Secretary of State stigmatized the witnesses Clark and Savigny as "land jobbers," forgetting when he did so that he also stigmatized the very men he brought to refute the position taken by the mover of the resolution in this House. I shall not enter into a discussion of the relative merits of Prince Arthur's Landing and the Kaministiquia River. It has been conclusively proved, to the satisfac-

Hon. Mr. Haythorne.

tion of a large majority of this House that there can be no comparison drawn between the two harbors—that it was a mistake to abandon Prince Arthur's Landing after the large amount of money expended upon it. The hon. Secretary of State and the hon. Senator from Prince Edward Island, being unable to get over the evidence of Mr. Murdoch, endeavored to stigmatize him as untruthful. The Government not only dismissed him from the public service for some reason which I have not seen or heard justified, but they are endeavoring to ruin his character. They tell us they believe he has not spoken the truth under oath. I have read the evidence and have failed to discover any ground for such an assertion. Then my hon. friend from Prince Edward Island (Mr. Haythorne) talks of the Neebing Hotel—that shadow of a substance of nothing, that rickety, ramshackle shed—as a building to shelter travellers and accommodate guests. It amounts to nothing at all; it is absurd and ridiculous to call it a hotel. I am sure nobody who has any feeling for dumb animals would put his cattle into it. Oliver, Davidson & Co. put this structure across the line of the railway, selected six months before, and after the engineer had warned them not to erect it there. Then they came to the Government and sold it for an enormous sum of money, without submitting any certified accounts to show the value of the structure. A couple of hundred dollars would build such a shed as that anywhere else. If we look at the material the hon. Secretary of State had before him and the arguments he had to construct out of them, we must congratulate him that he has, so far, "from nothing made the wrong appear the better cause," but I would advise the hon. gentleman to adopt the injunction of Shakespeare:—"O! while you live, tell truth and shame the Devil!"

Hon. Gentlemen—Hear, hear.

Hon. Mr. KAULBACH—If the hon. gentleman had followed that injunction he would not have fallen into the mistakes he did during the whole of his speech. If he would confine himself more to facts, he would deserve the respect which we all desire to show for one who occupies so high a position in

this House. I contend, from the evidence which has been reported by the Committee, no sufficient reason has been shown for deflecting the railway in order to make it enter the town plot of Fort William at the western limit, and then pass through the front lots to the eastern limit. The Government did not follow the usual course pursued to purchase the land for the railway. Instead of tendering the price they thought right, and proceeding to arbitration, valuers were appointed. The Government fixed on the Kaministiquia as the terminus in June, 1874. At that time the Government plans ought to have been fyled, and speculation in the lots prevented. In December, 1874, Mr. Fleming furnished the Public Works Department with plans of the land the Government would require, and urged that there should be no delay in getting possession of the property required for the terminus. In 1875, Mr. Fleming acquainted the Government that speculation was still going on in these lots, yet the valuers were not appointed until 1876. Lots sold in 1874, when the Government determined on the site for the terminus, at from \$60 to \$90. The same lots were sold to the valuers in 1876 at an average price of \$260 to \$300. Mr. Brown, of Oliver, Davidson & Co., was appointed Government Solicitor and advisor to the valuers, and that firm got \$500 an acre for what had cost them only \$5 an acre not long before. They got \$3,000 more for eight acres than they had paid for the whole 137 acres. The same firm placed a dim shadow of a hotel on the very land reserved for the terminus by the Government six months previous, after having been notified by the Government Engineer that it was on the reserve. These parties must have been improperly informed in 1874, that the Government intended selecting these lands for the railway. How else can their proceedings be accounted for! How else is the mystery to be solved! Why did Oliver, Davidson & Co., strong supporters of this Government, manage in 1874, to pick out of the vast Lake Superior region, the exact spot selected for the terminus of the Pacific Railway! It could not be attributed to the law of chance. But we have the sworn testimony of John Clark, taken before the

*Hon. Mr. Kaubach,*

Committee on the 20th of last March. Let us refer to that evidence, and we have everything explained. The following is from the deposition of Mr. Clark:—

Q. When was this last sale carried out? A few days after the other. It was the same fall. It was either the latter end of November or the beginning of December, 1874.

Q. Did Mr. Davidson give any reason for purchasing then, after the sale? Yes. He said he knew the terminus was to be there. It was not generally known whether it was to be there or at Prince Arthur's Landing.

Q. But he said the terminus was going to be there? Yes.

Q. Did he tell you how he knew it was going to be there? Yes.

Q. What did he say? He said that he got his information from Mr. Mackenzie.

Q. Information that the terminus was to be there? Yes.

Q. Did he say at what place Mr. Mackenzie told him? I remarked, I thought it was not likely Mr. Mackenzie would write to him about the terminus; and he said Mr. Mackenzie was in Toronto and had told him that. To satisfy myself—because I rather doubted it—I made enquiries, and found Mr. Mackenzie was in Toronto at the time.

Q. That was at what time? The latter part of November, 1874.

Q. Did Mr. Davidson show you any map that he had of the railway reserve there? He did. He came in and showed me a map. It was colored the same as the plan, exhibit "A."

Q. Did he say where he got this map? He said he got it from Ottawa.

Now, let us look at Mr. Savigny's evidence. We find in this report, the following:—

Q. In negotiating the sale of those lands sold to Davidson, had you any conversation about the best place for the terminus? It all had been settled then.

Q. What time was that? It was in 1875 or '76.

Q. Was that the time he showed you the plan? No. He showed me the plan in the fall of 1874, or the winter of 1875.

Q. Have you that plan in existence? I have not got it; he kept it.

Here we have the evidence of two witnesses to show that Davidson had a plan of the site of the railway terminus in the fall of 1874, by means of which Oliver,

Davidson & Co. were enabled to secure the lots which they afterwards sold to the Government; and we have the evidence of Mr. Clark that Mr. Davidson informed him he had got his information from the Premier. It is true, Mr. Mackenzie and Mr. Davidson deny that, but the facts remain, that Oliver, Davidson & Co. bought up the lots before the valuers were appointed, and made an enormous profit out of them. It is very easy for the Government to say they did not allow the information to get out, but why did they not secure the lands they required before they had got into the hands of speculators? Why did they allow two years to elapse, after having selected the site for the terminus, before taking steps to secure the lands they required? In this, as in other matters, we find the Government allowing their friends to step in and make fortunes out of the country; we find money lavishly expended in every direction except where it would be of service in the construction of the Pacific Railway. I believe if the money that has been wasted by the Government had been properly applied we would, by this time, have had direct communication with Manitoba through our own territory. They have shown from the first, not only that they are opposed to that great enterprise, but that they have not the capacity to carry it out.

The House divided on the motion which was carried on the following division:—

## CONTENTS :

## Hon. Messrs.

Aikins,	Girard,
Alexander,	Hamilton (Kingston),
Allan,	Haviland,
Armand,	Kaulbach,
Bellerose,	McLelan (Lond'derry),
Benson,	Macpherson,
Botsford,	Miller,
Campbell,	Montgomery,
Carrall,	Read,
Chapais,	Ryan,
Dever,	Seymour,
Dickson,	Smith,
Dumouchel,	Trudel,
Ferrier,	Vidal,
Flint,	Wilmot.—30.

## NON-CONTENTS :

## Hon. Messrs.

Baillargeon,	McClelan (Hopewell),
<i>Hon. Mr. Kaulbach.</i>	

Brown,  
Chaffers,  
Christie (Speaker),  
Cormier,  
Fabre,  
Haythorne,  
Hope,  
Leonard,

McMaster,  
Pelletier,  
Penny,  
Power,  
Reesor,  
Scott,  
Simpson,  
Wark.—18.

AID TO PUBLIC SCHOOLS IN  
MANITOBA BILL.

## THIRD READING.

A Message was brought from the House of Commons by their Clerk with a Bill intituled: "An Act to authorize the advance of certain sums to the Province of Manitoba, in aid of the Public Schools therein," to which they desired the concurrence of the Senate.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Forty-first Rule of this House be dispensed with, in so far as it relates to the said Bill, and that the same be read a second time presently. He said, the lands originally intended for school purposes had not been allotted, and it was thought best to retain them until they should become more valuable. The people of Manitoba asked for an appropriation in aid of their schools, and the Government thought it better to advance money than to hand over the lands to the Manitoba Government and run the risk of having them put on the market at a time when they would command a very small price.

Hon. Mr. GIRARD said certain lots had been set apart in every township for school purposes, and, in order to prevent them from being settled on by squatters, the Local Government wished either to have them transferred to the Province or to have somebody appointed to look after them. The money which it was proposed by this Bill to advance to the Local Government, might be regarded as capital, and he desired that some provision should be made to prevent it from being employed to sustain the schools. Under a law passed by the Manitoba Legislature at its last Session, it was proposed to raise money by a tax on wild lands, for school purposes. If this money which was to be advanced by the Dominion were appropriated to the building of school houses,

it would serve the purposes of the Province for years. He would suggest before the final passage of the Bill that it should be amended in such a way as to provide that this money should be expended in building school houses, and should not be devoted to any other purpose.

Hon. Mr. AIKINS asked whether it was the intention of the Government to sell any of those school lands.

Hon. Mr. SCOTT—Not at present.

Hon. Mr. AIKINS said he was glad to hear it. These lands would be a magnificent endowment for the schools of that Province if they were preserved, but if they were sold now they would be sacrificed. The ground taken by the hon. Senator from Manitoba was the correct one, that the Government should not divest itself of those lands, but should keep them for school purposes. The hon. Senator had stated a tax on wild lands had been appropriated for school purposes—what amount would that yield?

Hon. Mr. GIRARD could not say exactly, but his opinion was the tax would give five or six thousand dollars. There was also an appropriation of \$7,000. If it should once become known that there was this addition to the funds of the Province, the provision made by the Local Government might take another course, and after three years they might have to provide again for the fund. He thought it important that the Bill should be amended as he had suggested.

Hon. Mr. AIKINS thought the suggestion was very appropriate. He was quite willing that Manitoba should receive assistance, but, at the same time, he thought the House should be careful not to induce the local authorities to pursue a course which would be inimical to their own interests and not serviceable to the Dominion.

Hon. Mr. SCOTT said this legislation was at the instance of the Local Government, and the money was to be advanced out of the revenue that would ultimately be appropriated for school purposes. They wanted either the land or the money.

*Hon. Mr. Girard.*

This Government thought it would not be well to give the land when it would be sacrificed, and therefore an advance of money was made, and it was charged against the lands.

Hon. Mr. GIRARD approved of the Government holding the land at present; his objection was to applying the capital to the maintenance of schools, and, therefore, he suggested that the Bill be amended to provide that the money be devoted to the building of school houses.

Hon. Mr. SCOTT said it would be quite impossible for the Dominion Government or Parliament to control the expenditure of the money. It was advanced at the ordinary rate—five per cent—and would be recouped to the Federal Exchequer whenever school lands were sold. He assumed that the money would be devoted strictly to school purposes.

Hon. Mr. CAMPBELL—My hon. friend must take the Bill as it is or not at all.

The motion was agreed to.

The Bill was then read the third time and passed.

## BILLS FROM THE HOUSE OF COMMONS.

### FIRST READINGS.

The following Bills from the House of Commons were read the first time.

Bill for the Better Prevention of Crimes of Violence in certain parts of Canada.

Bill to amend the Act 37 Victoria, Cap. 8, intituled "An Act to impose License Duties on Compounder of Spirits; to amend the Acts respecting the Inland Revenue, and to prevent the adulteration of food, drink, and drugs."

The House adjourned at 6.05 p.m.

The SPEAKER took the chair at eight o'clock p.m.

After Routine proceedings.

## THE SUPREME COURT ACT AMENDMENT BILL.

### THIRD READING.

Hon. Mr. SCOTT moved that the House go into Committee of the Whole on the Bill intituled "An Act to amend the Act, Chap. 11, 38 Victoria, intituled 'An Act to establish a Supreme Court and Court of Exchequer for the Dominion of Canada.'"

Hon. Mr. TRUDEL said the second section of the Bill re-enacted clause 17 of the Act of 1875, and added something to it. The most important change consisted in the omission of the word "highest." It was proposed to allow appeals from judgments which involved the constitutionality of Acts of this Parliament, or of the Local Legislatures. He was in favor of that amendment. The next amendment, however, was objectionable. It provided for the right of appeal in cases relating to "any fee of office, duty, rent, revenue, or any sum of money payable to Her Majesty." He believed the Court of Appeal of the Province of Quebec gave ample protection to the rights of the Crown. The next amendment related to "any title to lands or tenements, annual rents, or such like matters or things, where the rights of the future might be bound." He thought that amendment was unwise. When the Supreme Court Act was passed in 1875 this point was fully discussed, and it was the general feeling of members of the legal profession that the right of appeal in such cases should be limited as much as possible. He had occasion to speak to some members of the legal profession in the other House on the subject, and was informed that many of them had been absent when this Bill was discussed in the House of Commons. He proposed, therefore, to strike out that portion of the amendment, and he would also move to have the word "highest" restored to the clause. He believed that word had been omitted through a misconception. He understood the reason why it had been omitted was this: they did not see any reason for keeping the word "highest" in the clause because they thought the words "Court of final resort" implied the highest Court. Theoretically that might be so,

*Hon. Mr. Scott.*

and it was so, until a few years ago, in the Province of Quebec; but in 1872 or '73 a Bill had been passed in the Local Legislature of that Province, to restrict the appeal from the Superior Court sitting as a Court of Review. It had always been considered that the Court of Review sat in revision of its own judgments; so they were not the judgments of different Courts. It was not, properly speaking, a Court of Appeal. By the legislation of the Province of Quebec, it was enacted that, in all cases involving less than five hundred dollars, if the appellant chose to ask a review of the judgment of the Supreme Court, he was not allowed to appeal from that Court to the Queen's Bench, but in that case only the judgment of the Court of Review was a final judgment. That had been done because it was thought well not to multiply the costs of appeals. If the right to go to the Court of Appeals has been denied in such cases, he thought there was greater reason still to deny an appeal to the Supreme Court from the Court of Review. If it was wise to legislate in 1872-3 for the protection of suitors from the costs of litigation, surely there was a still greater reason why appeals to the Supreme Court should be limited to the judgments of the highest Courts in the several Provinces. That was the reason why the word "highest" had been inserted in the Act in the first place. He did not think the feeling of the Bar of the Province of Quebec had changed since that time. The effect of this change would be to create an abnormal state of things by preventing a party from appealing to the highest Court in the Province, and yet allow him to go to the Supreme Court. He thought the House would agree with him that the word "highest" should be restored in this clause, and that the Bill should be otherwise amended as he had suggested.

Hon. Mr. PELLETIER said it was a strange reason to give for opposing this measure, that certain gentlemen of the legal profession had not attended to their duties in the other House during the Session. The simple reply to that, was that they should have been there. He had seen members of the Bar, not only in the House of Commons, but outside of it, who had almost unanimously approved of this

measure. The word "highest" had not been struck out by mere accident. In 1872 or 1873 Mr. Irvine had introduced a Bill in the Quebec Legislature to prevent an appeal from the Court of Review to the Court of Queen's Bench. Since that time the Supreme Court had been established to take the place of the Privy Council. The object of this measure was to give every facility to reach the highest tribunal in Canada. This change had been sought not only by members of the Bar in the House, but by the Bar of the Province of Quebec. As to the other amendment proposed by the hon. gentleman, he might state that the right of appeal in matters involving rent, or where future rights might be bound existed already, and the hon. Senator surely did not wish to give up a right which suitors already possessed.

Hon. Mr. BELLEROSE was surprised at the argument of the hon. Minister of Agriculture with reference to the absence of members of the other House from their seats when, as a matter of fact, the hon. gentleman's own friends left their benches for a few days, and if their opponents from the Province of Quebec were absent on the same occasion, it was evident Quebec had very little representation in the other House when this measure was before it. But the extraordinary part of the argument was the statement that the lawyers of the House of Commons were unanimous in support of this legislation. Was Parliament to legislate for the benefit of the lawyers or of the people at large? The people of Quebec Province, as the hon. gentlemen opposite (Mr. Trudel) had to-day shown, were opposed to such legislation as this. The only means of ascertaining their opinion on the subject was from the legislation of the Local Legislature, and the direction that had taken, was to limit appeals as much as possible. They had refused the right of appeal from the Court of Review to the Appeal Court of the Province; how then could this Government step in and declare, contrary to the express will of the people of the Province of Quebec, that there should be an appeal, not to the courts of the Province, but to the Supreme Court of Canada? He thought this measure was detrimental to the public interest, and being in this House as a

*Hon. Mr. Pelletier.*

representative of the people, and not of the lawyers, he would support the amendment. He would have occasion to move another amendment with reference to appeals to the Supreme Court in connection with by-laws of municipalities. He would propose, at the proper time, to amend the Bill by providing that only in the case of by-laws upon which the vote of the people has been taken—such as by-laws granting bonuses in aid of railways—shall the right of appeal exist. When the Supreme Court Act was passed in 1875 it had met very strong opposition in this House, and its opponents were asked to allow it to pass, and when experience in its working would show its defects they could be remedied by Parliament. If there was one thing which the people of Canada had to complain of against this present Government it was the establishment of the Supreme Court. He said this, not because of any lack of confidence in the Judges of that Court, because of their ridiculous and absurd decision in the case of the Christian Brothers' Bill which they had declared was unconstitutional because it referred to education. If all judgments given in appeal were as absurd as that, it was no wonder that the people were losing confidence in that tribunal, and considered the \$75,000 a year which it cost the country was money thrown away. He had been a member of this Parliament ever since Confederation and he had used his efforts to prevent his friends from establishing the Supreme Court. The experience which had been gained in the working of that Court had confirmed the view he had always entertained of it. In Quebec it would be very much better for the people to go to their own Appeal Court, the judges of which were eminent men who had thoroughly studied the laws of the Province. In the Supreme Court two-thirds of the Judges had studied English law all their lives, and they knew very little about French law. Was the country to pay thousands on thousands of dollars every year to maintain a tribunal in which they had no confidence? Yet this Bill proposed to allow appeals on almost every question to the Supreme Court. This legislation might be in the interests of the lawyers, but it certainly was not in the interests of the people of the Province of Quebec.

Hon. Mr. CAMPBELL thought the amendment proposed by the hon. Senator from DeSalaberry were in the right direction. It seemed to him that to allow appeals from Courts which were not the highest Courts of final resort in the several Provinces was a bad principle. If it were extended to the Courts of the Province of Ontario there should be appeals from the Division Court.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. CAMPBELL said even if that were not strictly correct, the very possibility of such a thing showed it was not advisable to omit the language which was used in the original Act, and which only gave the right of appeal from the Court of highest resort. Certainly the Courts of the Provinces should be exhausted, as it were, before a case should be allowed to go to the Supreme Court.

Hon. Mr. SCOTT said he did not profess to be sufficiently familiar with the practice of the Courts of the Province of Quebec to discuss this question in the way he should like to do, but he understood the inconsistency of this clause which it was intended to amend was this: at the present moment an appeal to the Court of Review, if unsuccessful, could not be carried further by the party bringing it to that particular Court. This measure practically allowed the appeal to go on from that Court, which was one of final resort, and was composed of inferior judges. It was practically giving to the Province of Quebec similar rights to those which existed in the other Provinces of the Dominion. In Ontario, the appeals naturally followed up from one court to another. He thought it was very unfortunate that the hon. gentleman (Mr. Bellerose) had introduced the question of the establishment of the Supreme Court. That Court had been long in contemplation—from the time of Confederation. It had been proposed on two or three occasions, in the Speech from the Throne, showing that the necessity for its existence had long been felt. He had been led to believe that the Province of Quebec demanded it especially, because appeals to the Privy Council were far more numerous from that Province than from any other Province in the Dominion.

*Hon. Mr. Campbell.*

To this day, the feeling in the Province of Quebec was to go to the Privy Council. The celebrated pew case, of St. Andrew's Church, Montreal, had been appealed to the Privy Council, and he understood there was another case with regard to the power of the Provincial Government to impose stamps on brokerage transfers, which was also to be appealed to England. Since the establishment of the Supreme Court, very few cases had gone to the other side of the Atlantic, compared to the number that had been appealed to England in previous years.

Hon. Mr. TRUDEL—There is some mistake about this matter. It was said by the Secretary of State the intention of the Bill was to remove an anomaly, by giving parties the right of appeal which, in fact, they do not possess to-day—that is, parties having inscribed their cases before the Court of Review are deprived of the right of appeal. If the people of the Province of Quebec come to the conclusion that they ought to have the right to appeal from the Court of Review, is it not more logical to go to the Court of Appeal of that Province. All that would have to be done would be to repeal the Act introduced in the Local Legislature by the Hon. Mr. Irving in 1872 or 1873, and then the appeal from the Court of Review would remain as it had been before. I do not understand how the representatives of the Province of Quebec, who ought to be jealous of the rights of that Province, as we understand them, who know that we have fought to preserve our institutions and laws, can support this measure; because in passing such legislation they are reducing to insignificance our Court of Appeal. How is it after our Local Legislature feels bound by public opinion to abolish the appeal from the Court of Review and the Court of Queen's Bench, because it is too costly, that this Parliament should step in and say that there shall be an appeal from the Court of Review directly to the Supreme Court, in which the cost would be two or three times greater? The logical way to go about it would be this: let us restore the jurisdiction of the Court of Queen's Bench, and then, if the people are not satisfied with the decision of that court, let them appeal to the Supreme Court.

A party has always the right to appeal ; but if he chooses to inscribe his case in review he loses his right to inscribe in appeal. The other party is allowed to go to the Court of Queen's Bench, because he has not had the choice of his court. It is proposed by this Bill to give the party who has selected the Court of Review an appeal, which is now denied. We all know the character of the Court of Queen's Bench of the Province of Quebec. While I very highly respect the Supreme Court, and would not like to draw comparisons, I must say that the decisions of the Court of Queen's Bench are respected, and in 99 cases out of 100, give more satisfaction than the decisions of the Supreme Court. The proof of it is that, notwithstanding the expense of an appeal to the Privy Council, cases are still carried there instead of to the Supreme Court at Ottawa, and I will tell hon. gentlemen the reason. According to the rule of the Supreme Court, parties are required to have all their documents translated ; that is not necessary if they appeal to the Privy Council. In the Supreme Court the French authorities and the French law, which is the law of the Province of Quebec, cannot very well be cited from the French authors. In the Privy Council the lawyers of the Province of Quebec find jurisconsults as well versed in the French law as our own judges in the Province of Quebec. It is well known that the judges in England understand the French law thoroughly. The judges of the Supreme Court at Ottawa are not all familiar with French ; but we find in the Privy Council a tribunal which understands the French law perfectly well, and knows the jurisprudence which forms the basis of our system of law. Of course it is somewhat delicate to mention such matters here, but they are facts that cannot be denied. I was surprised to hear the Minister of Agriculture say that there is an appeal from the judgments of the Court of Review to the Privy Council. I challenge the hon. gentleman to mention an instance where a case has been appealed from the Court of Review to the Privy Council. The thing has never been attempted, and cannot be done for the reason that it is well known the Court of Queen's Bench alone has the right to adjudicate upon an application to go to the Privy Council. The hon. gentleman

*Hon. Mr. Trudel.*

has fallen into an error which he should have perceived immediately. The object of this Bill is to reverse the legislation of the Province of Quebec. If you can do this, where are the rights of the Provinces? I am amazed that such a Bill should receive the support of Quebec representatives who know how precious in our own estimation are those institutions of our Province ; and that admiration of those institutions is not confined to the French speaking people of Quebec. None of our judges, French or English, would consent, under any circumstances, to change the system now in force in that Province. I appeal to the Senate, whose special duty it is to guard the rights of the Provinces, to amend this Bill in the manner proposed. I cannot understand how the Minister of Justice can consent to give concurrent jurisdiction to the Supreme Court of Canada and the Court of Queen's Bench of the Province of Quebec. It would leave poor people at the mercy of the rich ; because no poor man could afford to carry his case to the Supreme Court.

Hon. Mr. PELLETIER--I am really surprised to hear the hon. gentleman say seriously that it will be against our interests in the Province of Quebec to have the right of appeal to the Supreme Court. He is entirely astray in supposing that the effect will be to multiply costs. The effect will be quite the reverse, as must appear to the hon. gentleman if he considers for a moment that instead of having two appeals there will be only one. What we want is to allow a litigant to go direct from the Court of Review to the Superior Court, instead of having first to appeal to the Court of Queen's Bench, and then to the Supreme Court.

The House then went into Committee.  
Hon. Mr. Ryan in the chair.

On the second clause,

Hon. Mr. TRUDEL moved to amend the clause by inserting the word "highest" in the twentieth line.

Hon. Mr. MILLER said he did not think it was wise that appeals to the Supreme Court should be allowed, except-

from the very highest Courts in the Province. The appellant who chose the Court of Review was bound by the decision of that Court. If the decision were in his favor, the other party had the right to appeal. This, he thought, was a very wise provision for checking and restraining litigation. This measure would go further and give the appellant the choice of another court. As this legislation was opposed by the representatives of Quebec Province, he would support the amendment.

Hon. Mr. PENNY said it might be in the interest of lawyers to have as many courts as possible, but it might not be in the interest of their clients. In the Province of Quebec there were four courts—first, the Superior Court, then the Court of Review, then the Court of Appeals, and last of all the Supreme Court of the Dominion.

The Committee divided on the amendment which was adopted.

Contents, 16.

Non-contents, 15.

Hon. Mr. TRUDEL moved to further amend the clause by leaving out the words from "Majesty" to "provided."

Hon. Mr. PELLETIER hoped the hon. Senator would not insist upon this amendment, as it would be depriving us of a right we already possess.

Hon. Mr. TRUDEL said the question was practically this—for instance, a man had an annual rent of ten dollars; it was due by a party who was wealthy, and who wished to avoid paying the rent, yet under this Bill as it stood, the case might be carried to the Supreme Court, and the landlord might be obliged to travel five or six hundred miles from his residence, and spend hundreds and hundreds of dollars trying to collect that trifling amount of rent. It would lead practically to his abandoning his rights. In the Province of Quebec, parties had been denied the right of appeal from the Court of Review to the Court of Queen's Bench, on account of the cost which it entailed, and, for the same reason, he hoped this amendment would be adopted.

*Hon. Mr. Miller.*

The Committee divided on the amendment, which was adopted,

Contents, 16.

Non-Contents, 15.

Hon. Mr. BELLEROSE moved in amendment, "That all the words after 'be' in the main motion be left out, and the clause be 'amended' by 'inserting in page 2, line 14, after 'by-laws,' the words, 'for the passing of which, the vote of the freeholders or the ratepayers is required.'"

Hon. Mr. SCOTT said there might be many by-laws besides those of the character mentioned in the amendment, which it would be desirable should be appealed, such as the opening of streets, etc. He did not think, in cases of that kind, individuals should be deprived of the right of appeal to the Supreme Court. It often happened that municipalities got into the possession of rings, who controlled them against the public interest.

Hon. Mr. CAMPBELL concurred in the opinion of the hon. Secretary of State. The by-laws which required to be sanctioned by the rate-payers were very few. It was only where it was intended to incur some obligation. This amendment proposed something entirely new, and it would be difficult to say how far it would go; though some of the by-laws of municipalities were unimportant, others which did not require the votes of the rate-payers were exceedingly important, and parties should have the right to appeal against them.

Hon. Mr. BELLEROSE said he would have no objection to change the motion so as to make it less restrictive, but he would like to see the municipalities protected.

Hon. Mr. SCOTT wished to know if the hon. gentleman could mention any case of a grievance that had arisen under the existing law.

Hon. Mr. BELLEROSE said he did not; but under the existing law, any by-law passed by a council might be tried in Court, and a wealthy man—he knew of one in his own county who was not will-

ing to submit to anything—could disregard a by-law of which he did not approve. It was well known that when judges looked over the forms of most by-laws of rural municipalities, they were found to be defective. It was to guard against unnecessary litigation, which would have the effect of preventing municipalities from entering upon necessary improvements, that he desired to have this amendment adopted.

Hon. Mr. CAMPBELL said there were many by-laws which affected individuals very closely, and which would render litigation necessary for the protection of their rights, which were not voted upon by the ratepayers. In such cases it would not be proper to deprive individuals from the right of appeal.

Hon. Mr. BELLEROSE said there were great difficulties on the other side also, and some means should be found for doing justice to both parties. If a by-law were injurious to any one, he could go to the Superior Courts of his own Province and receive justice as well as he could in the Supreme Court. In the case of granting a bonus it was quite right that appeal to the Supreme Court should be allowed; but he did not think it should be the case with ordinary by-laws. He knew two or three counties in his own Province where the municipalities hesitated to make public improvements because they were afraid of two or three wealthy men who were determined to oppose them. That was a bad condition of affairs.

Hon. Mr. CAMPBELL hoped the hon. gentleman would not press his motion.

The amendment was declared lost on a division.

The Committee rose and reported the Bill with amendments, which were concurred in. The Bill was then read the third time.

Hon. Mr. SCOTT moved that the Bill do now pass.

Hon. Mr. BELLEROSE said he felt so strongly on the question he had presented to the House that he would like to

*Hon. Mr. Bellerose.*

have a vote taken upon it. He therefore moved the amendment which he had proposed in committee.

Hon. Mr. SCOTT hoped the hon. gentleman would not press his motion, which struck at a principle which was extremely dangerous to deal with.

Hon. Mr. BELLEROSE said by the clause as it now stood any by-law of a municipality might be brought before the Supreme Court, and small municipalities could not afford to run the risk of such litigation. The judges in the several Provinces would understand the laws of those Provinces better than the Judges of the Supreme Court. Surely an appeal to the highest Court in the Province ought to be sufficient.

Hon. Mr. SCOTT—If a municipality has right on its side, a party interfering with that right would have to pay the costs.

Hon. Mr. MILLER had a strong desire to allow these cases to go before a higher tribunal than other cases that the hon. gentleman had suggested, because there would be less danger of tyranny or injustice in the passage of municipal by-laws based on an electoral vote than in other by-laws, and although it might be the case that two or three wealthy men in certain counties might give a great deal of trouble and harrass poor municipalities, still there was another side to look at. He would be very sorry to do anything which might operate as a serious personal injustice. He could not support this amendment.

Hon. Mr. CAMPBELL hoped the hon. gentleman would not press his amendment, because there were numbers of by-laws involving dear rights, and it would hardly be right to prevent appeal in such cases. To limit the appeal as suggested by the hon. gentleman would be to confine it to one case in a hundred.

Hon. Mr. PENNY said where there happened to be one wealthy man who oppressed the municipality, there were many municipalities that harrassed poor men.

The motion was declared lost on a division.

The Bill then passed.

## THE HALIFAX FISHERIES COMMISSION.

### MOTION TO PRINT THE REPORT.

Hon. Mr. SIMPSON moved the adoption of the tenth report of the Joint Committee on printing. He explained it recommended that the report of the Halifax Fisheries Commission be printed.

Hon. Mr. BROWN hoped great care would be taken to have a full and accurate index to the report.

Hon. Mr. SIMPSON said one of the instructions of the Committee was that a good index should be prepared.

The motion was agreed to.

## PREVENTION OF CRIMES OF VIOLENCE BILL.

### THIRD READING.

Hon. Mr. PELLETIER moved the second reading of the Bill intituled "An Act for the better Prevention of Crimes of Violence in certain parts of Canada until the end of the next Session of Parliament."

Hon. Mr. SCOTT—This Bill is predicated on a condition of things which, I am happy to say, has not existed in Canada in the past; and I hope in the future nothing will arise to require it to be put in force. It can only be enforced under proclamation of the Governor-in-Council in certain districts where violence is anticipated and where the ordinary means at the disposal of the local authorities are insufficient to put it down. The Bill gives very extraordinary powers to local officers, justices of the peace, and others charged with the preservation of the peace—powers entirely new in the history of this country—but it has been thought circumstances may arise which will necessitate its existence. I hope such circumstances will not arise. The measure will be carefully watched by the people and no Government will presume to put it in force unless circumstances should absolutely require it.

Hon. Mr. CAMPBELL—I agree in

*Hon. Mr. Simpson.*

the expediency of the Bill, and I join in the hope expressed by the hon. Secretary of State that it will not be necessary, though I have grave apprehensions to the contrary. I hope the measure will be useful whenever put in force. I would like to know if it contains any provision to enforce it only in such portions of a municipality as may require it?

Hon. Mr. SCOTT—No.

Hon. Mr. CAMPBELL—Then, it would be necessary to put the Act in force in a whole city, only one portion of which might render such a thing necessary. It is a very delicate subject to talk about, but it certainly might be the case that the inhabitants of one part of a city might differ entirely in their feelings and disposition from the inhabitants of another portion, and it might be very alarming to the law abiding part of the community to have this law put in force in their part of the town. I have no amendment to offer, but I suggest that the Government might have power to put this Act in force in any portion of a municipality as circumstances might require it. Do I understand that no person, under this measure, is allowed to have arms at all except by license?

Hon. Mr. SCOTT—That is the provision. The Act would create no apprehension whatever on the part of law-abiding men, or in any portion of a city or municipality where the people are disposed to be orderly. When this law has been put in force in other countries it has extended over large areas. If enforced in small sections, it would create invidious distinctions and give rise to very unpleasant feelings.

Hon. Mr. MILLER—In looking at the Bill, my objection to it was in an opposite direction to that of my hon. friend. I fear it is not sufficiently explicit in regard to the extent of the proclaimed district. It says "any municipality or judicial district." That may be a very small portion of a city. I should think it would be only wise, in applying the Act to a city, to extend it to the whole municipality, instead of any portion of it, because, in the first place, it would be creating a very invidious distinction, and, in

the second place, law-abiding people must, at times, give up some of their rights for the general good. I think the Act is in the right direction, and although fears exist in this country at the present time which give it special significance, I think they are greatly exaggerated on both sides. Still, if we had no such grounds for apprehension, it would be wise to have such an Act on the Statute Books, because there may be difficulties in connection with large public works, and circumstances may arise at any time which would render it necessary to put it in force. Such powers, under institutions like ours, are never likely to be abused. The probability is in the other direction: there would be too great hesitation in resorting to extreme measures. I think the law is a very wise one, independent of any circumstances which may be expected to give it special application.

Hon. Mr. RYAN—The occasion of this Bill is an unusual one, and it is very greatly to be regretted that a necessity should arise for infringing on the liberty of the subject. However, it is temporary, and I believe it will serve a good purpose. It is an exceptional law, but that very fact requires that it shall be very stringent. The only objection I would have to the Bill, is that in some particulars it is hardly stringent enough. In the sixth clause I think it is a little vague. It mentions a certain quantity of arms to be taken in any particular house, fixing the number at five. We know that if five stand of arms can be kept in any one house, quite a large depot of arms can be kept in a particular street or locality. I would suggest that the words "exceeding five in number," be struck out of the clause. Then, again, I think the power given for the trial of offenders is not sufficient. It gives the right of trial by jury, and we all know that allows a delay of, perhaps, three to six months; and where political or religious differences may be concerned, it would be exceedingly difficult to get an impartial jury. I shall move, in committee, to amend this clause in such a way as to provide for summary conviction. I think such offences as are contemplated under this Act, should be dealt with in a prompt and summary manner. If delay is allowed, this measure will be altogether without effect.

*Hon. Mr. Miller.*

Hon. Mr. HOPE—I regret very much the supposed necessity of a Bill like this. I think it is a particularly unfortunate one, especially as it appears to apply to the whole of Canada, from Halifax to Victoria, and I am not aware that it is required anywhere except in one municipality. If that municipality is lying in the gutter, I do not see why we should be asked to lie down beside it. That municipality has asked for this Bill; let it apply to that municipality and to that alone. I suppose this Bill when it is passed, will be distributed over Europe by American emigration agents, and people will say: "Why, there is a second Ireland in 'America!'" I should imagine, with the spread of civilization and Christianity, a thing like this would be unnecessary.

Hon. Mr. CAMPBELL—I am sorry to hear the hon. gentleman making this attack upon the Government.

Hon. Mr. HOPE—I am not attacking the Government, but I remember the coercion bills that used to be passed for Ireland. I was a good deal amused at a letter I received from a friend in Montreal to-day. He expressed the same view that the hon. Senator from Montreal did—that those people ought not to be tried by a jury. In Montreal they are very attentive to business, but they do not give much attention to municipal matters. In the Western cities there is no necessity for this Bill. As a matter of public policy, I disapprove of all processions on public streets, which belong to Her Majesty, and should be used for the ordinary intercourse of life and for the ordinary traffic of the country. They were never intended for processions—Protestant, Catholic or any other kind. I think every man ought to worship God after the dictates of his own conscience; but people who display their religion in the streets are like those Pharisees who loved to take prominent seats in the synagogues. If this Bill is a necessity, I should like it to point out the municipality where it is required, and it will be time enough to extend it to other parts of the Dominion when circumstances call for such a measure.

Hon. Mr. GIRARD—I think this Bill may be very useful. No doubt crimes of

violence have been committed lately which we all regret, but they are no worse than crimes which are committed every day in many parts of the United States, and I do not think it is right to say, as we do in the preamble of this Bill, that crimes of violence are so numerous in the country, as to call for exceptional legislation. I say it is not so. The people of Canada are as orderly and law-abiding as any population in the world. The preamble should, therefore, be dropped from the Bill. If it should appear in its present shape on our Statute Books, it will at some future period in the history of the country be pointed to as evidence of the prevalence of crime in Canada. While I admit the Bill may be very useful, it seems to me some provision should be made for enforcing it promptly, if occasion call for it, in the distant Provinces. I would suggest that the local authorities of British Columbia and Manitoba should be vested with the power which is conferred upon the Governor-in-Council. Telegraphic communication with those Provinces is through the United States, and the distance from the capital is very great.

Hon. Mr. FERRIER—I hope this Bill will receive the support of the House. In one city we find men being shot down in the streets, and there is a feeling of insecurity among the people. I am very glad the Government have introduced this Bill, and I hope they will accept the amendment that has been proposed.

Hon. Mr. PELLETIER—With reference to the preamble of the Bill, unfortunately we have too much reason to say that crimes of violence are committed in one of our cities, and we have reason to fear that matters will be worse before long. As to the other suggestion of the hon. Senator from Manitoba (Mr. Girard) that we should empower the local authorities in Manitoba and British Columbia to put this law in force if circumstances should require it, I think it would be unwise. This will not be a permanent Bill, and, I hope, even for this year, after the precautions we have taken, it will not be necessary to enforce it.

The House then went into Committee of the Whole on the Bill, Hon. Mr. Belterose in the Chair.

On the 6th clause,

Hon. Mr. RYAN moved in amendment that the words "exceed five in number" be struck out.

The motion was agreed to.

On the 10th clause,

Hon. Mr. RYAN moved, page 2, line 45, leave out from "determine" to "the," where it occurs the first time in page 3, line 7, and insert

"10. Whosoever is charged with having committed any offence against the provisions of the third section of this Act may be tried and dealt with by three Justices of the Peace, or by any functionary or tribunal invested by the proper Legislative Authority, with power to do alone such acts as are usually required to be done by two or more Justices of the Peace in pursuance of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign Chapter Thirty-one, intitled: 'An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders.'"

Hon. Mr. SCOTT said he should have preferred to have left the tenth clause as it was, as the liberty of the subject would have been better protected. This amendment would give extraordinary powers to magistrates. Of course all the circumstances connected with this Bill were exceptional. The three magistrates might be a fair tribunal, or they might not, and the Police Magistrate might be a prejudiced individual one way or the other. This was a most delicate measure, and it would be necessary to have the concurrence of the people that the powers the Legislature were conferring on the Judiciary were vested in magistrates above suspicion who would be able to hold the scales of justice fairly on the most delicate questions when the public were drawn into the vortex one way or the other. He was free to confess there were advantages in having justice quick, sharp, and decisive if it were possible to be sure of the tribunal, and to convince the people that the judge was without prejudice one way or the other. But otherwise the people who supposed their rights were taken away from them would say

The Bill was read the second time.

Hon Mr. Girard.

it was a prejudiced tribunal. He was not wedded strongly to the tenth clause.

Hon. Mr. FERRIER said in the only city where it was likely this measure would be required the two magistrates were very superior men.

Hon. Mr. CAMPBELL thought the Bill would be of very little use unless it were amended as proposed. Of course it would only come into operation under very exceptional circumstances. If in a community exposed to great excitement, there should be trial by jury what chance would there be of getting a conviction or enforcing the law? Unless such an amendment were made, the Bill would be useless. It did not say that cases should be referred to any single magistrate, but to a single class of magistrates, men on whom reliance could be placed. There were certain classes of magistrates who under certain cases usually did the duty that three magistrates ordinarily did, and to that class those summary trials would be referred, this was a guarantee that they were men of certain attainments, and that certain reliance could be placed on their integrity, knowledge and firmness, and that they were worthy of the public confidence. He felt that unless there was summary jurisdiction the Bill would turn out to be of little use.

Hon. Mr. PENNY said the facts to be adjudicated upon were extremely simple. The only questions to be decided was whether a man had arms upon him or not. It would be a very rare case indeed where injustice could be done in such a simple matter.

Hon. Mr. BROWN said most of the offences that would be tried under this Act were of a semi-religious character, and the satisfaction which the decisions would give would depend very much on how the magistrate felt towards the man being tried.

Hon. Mr. CAMPBELL—Suppose it were trial by jury.

Hon. Mr. BROWN said the jury would then be mixed: if it were a case for conviction, the jury, would convict; if not.

*Hon. Mr. Scott.*

they would discharge the prisoner. In such cases, it was very difficult to control a community which was divided, and where there was strong feeling, and both sides were convinced they were right. He doubted the expediency of doing away with the protection of trial by jury. Everyone knew how those cases were brought on; some foolish person, without consideration, gets excited, perhaps under the influence of liquor, pistols are fired and men rush in, thinking it their duty to take a part in the disturbance; they are brought up before the magistrate of an opposite opinion, in the midst of an excited community, and it would not be felt satisfactory to leave the decision in the hands of any one man.

Hon. Mr. BOTSFORD said he was one of those who thought in cases of this kind prompt and decisive punishment was the only way to put down rioting. However, this Bill had originated in the House of Commons, and they had thought fit not to take away the right of the subject, and he thought the amendment should not be made.

Hon. Mr. TRUDEL said it should be borne in mind the whole character of this Bill was exceptional, and there was nothing more exceptional in the amendment than in the other clauses. It was unfortunate that in the place where this Bill was likely to be put in force, the population was divided into two camps, one party pretending to be the party of order and of peace. They would say, if disarmed: "We are not in a position to defend ourselves, while the other party are not disarmed." If the circumstances were not very exceptional, this Bill should not be passed at all; if they were, then it was necessary to make it as stringent as possible, in order that it might be efficient. Therefore, he thought the amendment should be adopted. Perhaps the whole extent of the evil was not known to this House. Everybody knew that Montreal was the place referred to by the hon. Senator from Hamilton, in his remarks a few moments before. If he (Mr. Trudel) had a right to speak for the population of Montreal he would say "let us alone and we will manage our own affairs provided you pledge yourselves that nobody outside of

“the City of Montreal will come to create ‘disorder in our city.’ Suppose the people of the city were disarmed, what could happen? On the morning of a certain day perhaps five thousand people would come from one side, and five thousand from another, well armed, and in what position would be the people of the city be under such circumstances? Would it be possible to disarm them and apply the law? In his opinion there would be the greatest danger. It was a matter of regret that occurrences which were known to everybody were laid to the charge of the population of Montreal. It was well known a poor man was shot under certain circumstances, and it was said this man was a victim of the Catholics, yet the murderer could not be found.

Hon. Mr. CAMPBELL hoped the hon. gentleman would not pursue the subject further.

Hon. Mr. TRUDEL contended that Montreal would be in a position to settle all those difficulties provided no outsiders interfered, and he saw nothing in the Bill directly to prevent them.

Hon. Mr. ALLAN said the suggestion thrown out by the hon. Senator from Alma in connection with that of the hon. gentleman from Victoria, was well worthy of attention. The evidence on which a party could be convicted was of such a simple character that no difficulty could occur. A person apprehended or brought before a justice would not be charged with rioting or attacking another person, but simply with having been found with arms on his person; therefore no strong party feeling was likely to enter into such a case. It was unfortunate that the practice of carrying firearms was becoming more prevalent in Canada, and deplorable circumstances were resulting from it. Firm measures should be taken to put a stop to it. If parties found with arms in their possession or with more than the lawful quantity in their house could appeal to a jury the very object of this Bill would be defeated. He hoped the Government would consent to the amendment.

Hon. Mr. KAULBACH concurred in this view; prompt conviction was necessary in order to deter people from those

*Hon. Mr. Trudel*

crimes. If delay occurred witnesses would be got out of the way. He did not think a jury would be as impartial in such matters as the judiciary.

Hon. Mr. BROWN—There is one other consideration we ought to keep in view. This is the first time anything of this kind has been passed in our country, and it is probably done under a momentary irritation, which we have seen quite equalled on many occasions before. We were looking forward to one particular day of the year and told there was to be a great outrage, and great excitement about it, but when the day came it passed away.

Hon. Mr. CAMPBELL — Colonel Prince’s Act was against carrying arms in the same way, but there was no searching in houses.

Hon. Mr. ALLAN—There must have been some searching, because I went to the rooms of the Chief of Police, and he had a perfect armory there.

Hon. Mr. BROWN—I think we ought not to put on the statute book so severe a measure at the first sound of danger. A great deal of that irritation arises from the depression, and the large number of people that are out of employment. Probably with the opening of navigation and better employment, it will die away. As to five thousand persons going into the city, I do not believe any such number can go there. I think the municipalities ought to take very prompt steps to quell all such disturbances, and there would then be no need of a Bill such as this. The municipalities should all understand quite clearly it is their duty to prevent any man or number of men being interfered with in the exercise of their undoubted rights. Whether it be marching in procession or anything else—the right of the citizen should be maintained no matter at what cost, and so long as they do not commit breaches of the peace, they are entitled to the full protection of the State. I think that principle should be applied to all parties. There is no force in the argument that outsiders have no right to go there because a certain class of people do not like it. We can turn away our eyes from the things we do not

like to see. I suppose it is necessary that some such Bill as this should be passed; but I do not like to go the length of saying that a subject shall be deprived of the right of trial by jury.

Hon. Mr. RYAN—It appears to be conceded on all sides that there is some necessity for this Bill. A measure somewhat in the same direction was enacted last Session with regard to the carrying of arms, to put a stop to that practice, but it has proved an utter failure, because it did not give the right of searching the person. It has been inoperative. The difficulties to which reference has been made do not arise from people being out of employment. I believe the evil is not temporary, but is growing, and will increase, and I should be very sorry to pass an inoperative Bill again and share the responsibility of allowing such a state of things to exist, as I think will arise unless strong measures are resorted to. This Bill is temporary. Parliament will take it under its cognizance next Session, and can say whether it has been useful or not. With reference to what the hon. Secretary of State has said respecting the apprehensions of the people being excited about the doing away of trial by jury in some cases, I believe the well-thinking and good citizens of every city where lawlessness prevails will be only too happy and grateful to the Ministry for passing this Act, and it is with that view I have urged the amendment I proposed, and without which I think the Bill would fall to the ground utterly and entirely useless.

Hon. Mr. MILLER—It seems to me the hon. member from Lambton overlooks a very important fact in connection with this Bill. He speaks of it as a bill to go into operation after it receives the Governor-General's consent. That is not the case; but, on the contrary, a condition of things must arise which will induce the Government to enforce it, and they will be exceedingly slow to take such a step in any district without the gravest and most imperative necessity exists for its application. When a community gets into that condition of affairs which will justify a Government in applying such a law as this, the better class of people will be satisfied to deliver up their personal

*Hon. Mr. Brown.*

liberties for a while, or to allow their personal liberties to be interfered with for a while in order to secure the greater end of public safety and peace. Therefore, I cannot see any necessity for this buncombe about popular rights and trying this kind of legislation in a new country. We all admit those general principles. They do not require any assertion here. We all admit that anyone doing anything without provoking a breach of the peace should be allowed to do it. With regard to processions I do not believe they are the wisest thing in which people could occupy their time. I would be very glad to see all processions done away with, and especially party processions. I think they are exceedingly out of place, founded as they are on feuds or differences which do not belong to this country at all. No matter what class they belong to, these things are very improper in a country like ours; but while they are legal, and while people have the legal right to walk in processions, parties who have chosen to exercise that right should be protected at any cost. We all agree in that. Not one of us would disapprove of those general principles which the gentleman is so solicitous about; but we are talking about a different matter. I would not consider it an unreasonable thing to have a law like this, at any time, throwing the responsibility on the Government of applying it when circumstances might arise. I can fancy many instances where it would be desirable to have such a law on the Statute Books. I do not look on this as a measure to prevent contemplated events occurring next summer. I look upon it more in regard to its effect upon the community itself. Take the City of Montreal, where the contending factions will be prevented from carrying arms. So far from interfering with the friends of the hon. Senator from Lambton, or the hon. Senator from Hamilton, if they wish to go to Montreal and exhibit their colors, I think this measure will be rather to their advantage; but I hope nothing of the kind will take place. I do not see how any one can have any objection to the application which is intended by the amendment. I think it would be very wise if circumstances justified it, that there should be some restriction to the right to carry fire-arms in this country.

which is becoming so great an evil that it was found necessary to legislate on it last Session.

Hon. Mr. MACPHERSON—We must all feel that this is an exceedingly grave measure to put on the Statute Books, and one which is entirely new to the Dominion. It is, of course, of importance that life should be made secure, but the passing of such an Act should only be under circumstances of exceptional gravity. We ought to consider what the effect of it may be. A great deal will depend upon the discretion of the magistrates. If a feeling should get abroad among those who are likely to be affected by this measure—those given to lawlessness, or who may be suspected of lawlessness—that they will not receive justice at the hands of those who have the dispensing of justice summarily, the consequences might be very serious indeed, and it would require a very much larger force than any at the disposal of the authorities to maintain peace in a city like Montreal. The responsibility of putting this measure into operation must be placed upon the Government. I wish it were possible to give them some discretion in the matter, so that they could be governed by circumstances as they might arise. We can imagine a condition of things which might not render it necessary to suspend the trial by jury, and we can imagine another condition of things which might render it exceedingly desirable. I should like to see the Bill so amended as to enable the Government to put it into operation partially, leaving trial by jury open to those who may be arrested under certain circumstances, and if the circumstances should become still graver and render it expedient in the eyes of the Government to suspend the right of trial by jury, let them put the Act fully into operation.

Hon. Mr. CAMPBELL—The Bill lasts only until next Session.

Hon. Mr. MACPHERSON—I know that; but it is for the next two or three months we are legislating. While we should give the Government power to prevent lawlessness, we should take care not to increase lawlessness by taking such a course as may appear to a large class to expose them to injustice.

*Hon. Mr. Miller.*

Hon. Mr. MILLER—We have given equal power to stipendiary magistrates already.

Hon. Mr. RYAN—I would suggest to my friend it would defeat summary justice to a great extent if you were to allow discretion to the Government.

The amendment was agreed to.

The Bill was reported as amended, read the third time and passed.

## ADULTERATION OF FOOD ACT AMENDMENT BILL.

### THIRD READING.

Hon. Mr. PELLETIER moved the second reading of

“An Act to amend the Act Thirty-seventh Victoria, Chapter Eight, intitled: ‘An Act to impose License Duties on Compounders of Spirits; to amend the Act respecting the Inland Revenue, and to prevent the adulteration of Food, Drink and Drugs.’”

The motion was agreed to.

The House then went into Committee on the Bill, Hon. Mr. Haviland in the Chair.

The Bill was reported without amendment, read the third time and passed.

The House adjourned at 11.15 p.m.

## THE SENATE.

*Thursday, May 9th.*

The SPEAKER took the Chair at 11:30 a.m.

After Routine proceedings.

## INDEPENDENCE OF PARLIAMENT ACT.

### MESSAGE FROM THE HOUSE OF COMMONS.

A Message was brought from the House of Commons by their Clerk in the following words:—

“HOUSE OF COMMONS,

“Wednesday, 8th May, 1878.

“Resolved,—That a Message be sent to the Senate to acquaint their Honors that this House

agrees to their third amendment to the Bill (No. 14) intitled: 'An Act further securing the Independence of Parliament,' and disagrees to the first and second of their amendments, for the following reasons:—

"Because the independence of this House (which it is the object of the first clause amended to secure) might be impaired if persons entitled to superannuation or retiring allowances were eligible for seats in this House, as some of such recipients might be called into active service by the Administration of the day under the penalty of abandoning their pensions or allowances.

"Because it might lead to the superannuation of civil servants in order to make them eligible for election to this House whereby the public service would be injured and the independence of the House affected.

"Because another class, viz., judges, are entitled to retiring allowances only when suffering from bodily or mental infirmity, disabling them from work or are retired under the discretionary power of the Government for reasons alleged to affect the administration of justice. It would therefore tend to affect the independence of the Bench as well as interfere with the independence of this House.

"As to the second amendment:—

"Because it is contrary to sound policy to allow the Clerks of the Peace, who are in several Provinces the custodians of the lists of voters which must be used at the elections of members of the House of Commons, to become candidates.

"Ordered, That the Clerk do carry the said Message to the Senate.

"Attest.

"ALFRED PATRICK,

"Clerk of the Commons."

Hon. Mr. SCOTT—The subject was very fully discussed when the Bill was before this House, and when the Senate undertook to make very serious changes in the clause relating to the qualifications of members of this House. The clause affecting members of the other House was very much more stringent than the one affecting Senators. The House of Commons have accepted the terms upon which a Senator shall be disqualified; but they decline to accept the amendment made by the Senate to the clause affecting members of the other House. I think they furnish very substantial reasons for their refusal to concur in the amendment made to the Bill in this House. It seems to me as they have acted with such courtesy to this body, it would be but right for the Senate to recede from the amendment to which the Commons object. I simply make the

*Hon. Mr. Scott.*

appeal to the House as to whether it would not be in better taste and better feeling to accept the conditions which the House of Commons seek to impose on candidates for seats in that Chamber. I therefore move that this House does not insist on the first amendment to which the Commons disagree.

Hon. Mr. CAMPBELL—It is very satisfactory in this case that there is no dispute as to the question of jurisdiction. The message does not contend for a moment that this House is not quite as competent to legislate upon this subject as the House of Commons. I do not think any question of courtesy arises. Both Houses are actuated by a desire to do the best they can in the interests of the public service. The fact that the proposed amendments affect the House of Commons does not interfere with our duty to decide on the possibility that we are right and they are wrong. The reasons which are given in this message do not strike me to be very strong. The Secretary of State seems to think they are. The first reason given is that the recipients of pensions are liable to be recalled by the Administration of the day, under the penalty of abandoning their pensions or allowances. That pre-supposes the Administration of the day would interfere unjustly, and contrary to their duty, with the members of one branch of the Legislature. It pre-supposes an act which would be wrong in itself, and which would be a complete dereliction of duty on the part of the Ministers of the Crown who might so interfere. I cannot imagine, if it should so happen that a person entitled to a pension were to serve in the House of Commons, that his independence there would be attacked by the Ministry of the day, by an attempt to recall him to the public service. Neither this House, nor the other branch of the Legislature should pre-suppose such a wrong doing on the part of the advisers of the Crown. I regret that such a reason has been given in the Message from the House of Commons; but the circumstances are so remote, it is almost out of the question that they can ever arise. A person in the enjoyment of a pension can only be recalled if he be under sixty, and if tendered an office not less in importance and pay than the one which he had for-

merly held. In addition to this, we all know how unlikely Ministers of the Crown would be to forego any patronage they might possess to recall an old public servant. In England, under the Superannuation Act, from which our Act is copied, a civil servant is liable to be recalled at the same age, and under the same circumstances as under our Civil Service Act, and yet there is an express clause in the Imperial Act, not only justifying the election of civil servants enjoying pensions to the House of Commons, but absolutely inviting their being elected by expressly declaring that they shall be eligible. There is a separate Statute to that effect. They have taken the pains expressly to enact that a person who is in receipt of a pension, shall be eligible to sit in the House of Commons, and there are persons in both Houses of Parliament enjoying pensions, to the great advantage of the public interests. The second reason is, "Because it might lead to the superannuation of civil servants in order to make them eligible for election to this House, whereby the public service would be injured, and the independence of the House affected." That also pre-supposes wrong doing on the part of Ministers of the day—that they would, for some improper purpose, give pensions to persons not entitled to them. The third reason is, "Because another class, viz: judges, are entitled to retiring allowances only when suffering from bodily or mental infirmity, disabling them from work, or are retired under the discretionary power of the Government, for reasons alleged to affect the administration of justice. It would, therefore, tend to affect the independence of the bench as well as interfere with the independence of this House." I submit, with great respect for the other branch of the Legislature, that is but a partial statement of circumstances under which judges are allowed to retire. They are entitled to retire after fifteen years service, besides being allowed a retiring allowance when suffering from bodily infirmity. This reason also pre-supposes that a judge would be tampered with for the purpose of making him eligible as a candidate. Now, all these reasons seem to me—and I say it, I hope, with all proper respect, and yet, at the same time, with a proper sense of what we are entitled to in this House—

*Hon. Mr. Campbell*

not to meet the case. The pension of a civil servant becomes an annuity which no more ties him to the Crown than a life insurance ties a person to the company from which it is received. The Superannuation Act must be administered by the Government under their responsibility to Parliament, and that is the great security the people have that the wrong expected will not be done. I think the reason given for their inability to assent to our second amendment is sufficient, and that it would not be wise on our part to insist upon that amendment. I did not realize when we were discussing this matter before, the Clerks of the Peace are, in the different Provinces, custodians of the voters' lists, and there might be some apprehension on the part of the opposing candidates that the lists might be tampered with, therefore, I propose to inform the House of Commons that the Senate doth not insist upon its second amendment to that Bill. I move,

"To Resolve, That the said Bill intituled: 'An Act further securing the Independence of Parliament' be returned to the House of Commons with a message to the effect that the Senate doth insist on their first amendment to the said Bill for the following reasons:

"1. Because in view of our system of Government, under which the people of the different Provinces are represented in Local Legislatures and in general Parliament, a large number of suitable representatives is needed as compared to the educated population, and it is unwise to restrict the choice of the people by declaring ineligible a class likely to present from education and knowledge of affairs, persons with strong claims to the confidence of an electorate.

"2. Because when once a superannuation allowance is granted under the Statutes to retire Public Officers, it becomes an indefeasible right and cannot be withheld at the discretion of Ministers of the Crown, or except for cause defined in the Statute.

"3. Because the Superannuation Act is administered under the responsibility of Ministers of the Crown to Parliament, and they would be amenable to the censure of Parliament for any infringement of public or private rights in connection therewith.

"4. Because the tenor of Imperial Legislation of late years has been to justify the presence of retired Civil Servants in both Houses of Parliament on account of the great public advantage to be derived from their knowledge and experience in public affairs, and no inconvenience has resulted from their liability (under any circumstances very remote) of being recalled to the Public Service."

Hon. Mr. SCOTT—There is one point to which I desire to draw the hon. gentleman's attention with reference to civil servants. It is assumed, when a civil servant is superannuated, he is unfit, from bodily infirmity, or age, for the duties of his office. Now, we have some men in the Public Service who are over seventy. It is only on a civil servant becoming unfit for the work allotted him that he is removed.

Hon. Mr. WILMOT—I cannot see any reason why we should not allow the electors to choose the gentlemen they wish to represent them in Parliament.

Hon. Mr. MILLER—With regard to the amendment which was made at my suggestion, for my own part, I had no personal interest one way or another in it; but I did consider, and had good reason from reliable authority to believe, that the disqualification of Clerks of the Peace was intended as personal legislation, at the instance of some members of the other House, and I thought, therefore, it should not be tolerated. The Clerks of the Peace have no power whatever to falsify the voters lists. They are made out at first by the assessors who should be disqualified, if the reasons given by the House of Commons are sound, because it is very easy for them to value property in such a way as to increase the number of voters on one side or the other. In this way large numbers of votes are made by partizan assessors in the Province of Nova Scotia where the Local Government controls the municipal organizations to a large extent, and there is a great deal of jerry-mandering in the appointment of assessors and revisers. The revisers have a sort of judicial authority to deal with the names of persons, and have great power to strike off or add to the lists. I think, therefore, if any local officials should be disqualified it should be the assessors and revisers, and not the clerks of the peace who are merely custodians, and who are not in a position to falsify voters' lists. As I mentioned when this subject was before the House on a former occasion, one instance occurred recently in which a reviser attempted to add five hundred names to the voter's list. It so happened in that instance that he was not assisted by the other two revisers. That reviser is the acknowledged candi-

date of one of the two parties that will contest the county in the coming election. With regard to what the hon. Secretary of State said—that the House of Commons had treated the Senate with a great deal of deference in having accepted the amendment to the clause relating to ourselves—I think it was a most unfortunate and uncalled for remark. The truth is, on every possible occasion a certain party in that House have gone out of their way to treat this Senate with indignity. From the very inception of Confederation men holding leading positions in that party have gone out of their way to throw obloquy on this branch of the Legislature, and it was only the other day I heard the Premier say he could not get justice from a Committee of this House. In view of these facts, it is too great a venture on the part of the Secretary of State to talk of the deference or courtesy which those gentlemen have paid us in this respect. The policy of the Government seems to be to find fault with every act we do, and to impute a wrong motive to every word we utter. The clause which they inserted in this Bill was intended as an insult.

Hon. Mr. SCOTT—No.

Hon. Mr. MILLER—I tell the hon. gentleman I believe it was. What they imagined was that we would resent the indignity and throw it out, and then they would get out the cry that we desired to hold office without any check. Otherwise, they desired to make us swallow a very unpalatable Bill. It was largely at my suggestion that my hon. friend the leader of the Opposition in this House acted in dropping the second amendment. I hope the House will have no hesitation in carrying the motion.

Hon. Mr. KAULBACH—I am sorry the hon. gentleman who has just sat down had anything to do with dropping the second amendment. I think the ground that was taken in this House was a very good one for making that amendment; at the same time, I am prepared to yield. I say, if any local officials should be disqualified it should be the assessors and revisers, and not the clerks of the peace.

The House divided on the amendment,

which was adopted on the following division:—

CONTENTS :

The Hon. Messrs.

Aikins,	Girard,
Alexander,	Hamilton (Kingston)
Allan,	Haviland,
Armand,	Kaulbach,
Bellerose,	McLelan (London'd'y),
Botsford,	Macpherson,
Campbell,	Miller
Carrall,	Read,
Chapais,	Ryan,
Dever,	Skead
Dickson,	Smith,
Dumouchel,	Trudel,
Ferrier,	Vidal,
Flint,	Wilmot.—28.

NON-CONTENTS :

The Hon. Messrs.

Baillargeon,	McMaster,
Chaffers,	Pelletier,
Christie (Speaker),	Penny,
Cormier,	Power,
Fabre	Pozer,
Haythorne,	Reesor,
Hope,	Scott,
Leonard,	Simpson,
McClelan (Hopewell)	Wark.—18.

The House adjourned at 12:25 p.m.

The SPEAKER took the Chair at eight o'clock.

After Routine proceedings.

THE SUPPLY BILL.

READ AND PASSED.

Hon. Mr. SCOTT introduced the Supply Bill. He said:—I am sorry, from unavoidable causes, the Supply Bill has not been printed and distributed here. However, I do not know that it contains anything new, and, therefore, I do not propose to weary the House with any full exposition of the subject matter it contains, other than to convey to the House the general conclusions that are developed in that Bill. The Estimate for the year is represented by a sum of \$23,669,000. Our expenditure during the last year of which we have any record, amounted to \$23,519,000. If we are enabled to keep within the limit that has been fixed in

Hon. Mr. Scott.

the Supply Bill, the expenditure next year will not exceed that of 1876-7 by a larger sum than \$150,000. The receipts for 1878-9 are estimated at \$23,850,000. Whether they will reach that sum or not I am unable to predict. Since 1874-5 the revenue has declined. Our exports and imports fell off in a marked degree, and we have suffered, in common with other countries over the world, from a great depression. Canada was not peculiar in that respect. In the Supply Bill that is now before the House, the amount asked for, in addition to the ordinary sums chargeable to consolidated revenue, is considerable. There is \$7,000,000 required for the redemption of bonds falling due in 1878-9, and which will, of course, be met in the usual way by issuing a corresponding amount. A considerable sum will be required to complete the canals of the country. It is hoped within another twelve months, if not the whole, at least the greater part of the expenditure required for the Welland Canal will have been reached, and that the charge on capital account in connection with that work will have been absolutely extinguished. A considerable sum appears in the Supply Bill in connection with the Pacific Railway, though, no doubt, the whole of it will not be expended. It is highly probable the Government, during the year, will ascertain how far the scheme laid down in 1874 will prove attractive to the capitalists of the world, whether they will be induced to tender for the construction of the road from Lake Superior to the Rocky Mountains, or probably to the Pacific Coast. I do not know that it is necessary for me to advert to any other points. I shall be very glad to answer any questions with regard to it. I move the second reading of the Bill.

Hon. Mr. MACPHERSON—Before the motion is carried I should like to say a few words upon the subject of the finances of the country. The hon. Secretary of State has told us what the Estimates amount to, and what he expects, according to the Estimates, the expenditure will be for the next fiscal year. The hon. gentleman attaches great importance to the Estimates, while I, on the other hand, know that estimates are what the word implies—merely an approximation

to the expenditure. The approximation ought to be very close, but, unfortunately, it is not always so. The expenditure for the financial year ending on 30th June last, was \$457,896 more than estimated in the previous Session, and I complained that so large a sum should have been expended in excess of the amount estimated and voted. It was a very large sum to have been expended without the authority of Parliament, but it was only a little more than one-half the amount which has been expended during the current year, and charged against income in excess of the Estimates. The Supplementary Estimates brought down by the Government, only two or three days ago, show that the expenditure chargeable against income during the current fiscal year (which ends in about seven weeks) has been \$848,290 in excess of the proper estimates of last Session. Then, the expenditure from capital has exceeded the estimates by no less a sum than \$1,873,114, so that the Government has expended \$2,721,404 during the current fiscal year without the authority of Parliament. I think that must surprise those of us who remember the importance that the hon. Secretary of State attached to Mr. Tilley's Estimates of 1873, and the responsibility which he attached to the Government, of which Mr. Tilley was the Finance Minister, for his Estimates, urging that the expenditure should correspond with the Estimates almost to exactness. I ventured then to say that the expenditure according to the Public Accounts and not the Estimates, were what we should judge governments by—that the Public Accounts furnished the only true test; that the Estimates were an approximation, the closeness of which might depend very much upon the mental temperament of the Finance Minister, and still more upon the sincerity of the Government. If a Government should desire to appear economical, and wished to present a moderate estimate to Parliament, it is an exceedingly easy thing, if the Government be insincere, to prepare delusive estimates, but the truth has to come out sooner or later, and the following Session it becomes necessary to state what the expenditure really had been for the year, and to bring down supplementary estimates to provide for what had been short-estimated the previous Session.

*Hon. Mr. Macpherson.*

Now, I must say that this large sum of \$2,724,000 is altogether an inexcusable amount to have been short-estimated last Session.

Hon. Mr. SCOTT—I think my hon. friend perhaps is in error. The last year of which we have any account—1876-7—the expenditure was not in excess of the estimate.

Hon. Mr. MACPHERSON—If the hon. gentleman will turn to the Statutes of last Session, he will find in Schedule A, of the Supply Bill, chargeable against income, \$457,896, as the supplementary estimate for the then current fiscal year, and I presume he will not deny that the Supplementary Estimates of the current fiscal year, and included in the present Supply Bill, ask for \$848,790 chargeable against income, and \$1,873,114 against capital. I repeat that Supplementary Estimates so large as these, are altogether inexcusable. The Minister of Finance ought to have known last Session very much more closely what the expenditure would be both on account of capital, and of income. Both have been enormously exceeded, indicating extravagance or ignorance on the part of the Government.

Hon. Mr. SCOTT—Certain items are exceeded and certain others are not. The hon. gentleman will hardly find a single Session in which Supplementary Estimates have not been brought down.

Hon. Mr. MACPHERSON—I wish to call the hon. gentleman's attention, and the attention of the House to the fact that there is not much reliance to be attached to the Estimates of the present Government. It is not in their Estimates, but in their expenditure as detailed in the Public Accounts, that we must seek for evidence of the economy or wastefulness of the Government. The hon. gentleman and his supporters seem to think lightly of the discovery of the facts which I am submitting, that the estimates of last year were worthless, and have been greatly exceeded. In fact there is an absence of that regard for accuracy (to use the very mildest word) which ought to characterize public men,

and which in former days did characterize the public men of this country.

We have come to the end of another Session which has cost the country \$600,000, in round figures, for legislation, and we have also come to the end of the Parliament which has cost the country \$3,000,000, and I would ask hon. gentlemen to look back at the legislation of the past five years, and to point to measures worth what they have cost—something that has been given to the people by Parliament in return for the confidence reposed in it, and the enormous cost of legislation. I have in my hand a list of the bills passed this Session. In casting my eye over it, I fail to discover any Act of real importance, any Act that was indispensable. Most of the Acts I may describe as local in character, Acts that might have been passed by the Local Legislatures, and which, so far as their importance goes, might be passed by any of our county councils in Ontario. There is scarcely a bill worthy of this Parliament, and yet three hundred gentlemen have been sitting here for three months at a cost to the country of at least \$600,000. This last Session is but one of five equally barren of useful legislation. The promises were very great indeed, and the hopes of the country were high, but the result has been infinitesimal, except in the broken promises of Ministers and their supporters. This is lamentable. Has the Government attempted to do anything for the prosperity of the country? Was there ever so much necessity for a wise policy on the part of the Government? Who but the present Government doubts that it was in their power to promote the prosperity of the country? But they proclaim that they are helpless. In fact, they have had no policy, and, therefore, there has been a feeling of uncertainty as to what policy they might adopt; the people have lacked confidence in the Government, and this has had an evil effect upon the trade and industries of the country. The depression, while this Government has been in office, has been unexampled. I do not hold them responsible for the whole of it by any means, but they have done nothing to mitigate it. The distress in the country has been unprecedented; the insolvencies have been altogether without

parallel, and if they are diminishing in number, I fear it is very much for the cause which checks great conflagrations—the want of material to consume and destroy. This is the condition of the country. It is exceedingly distasteful to me to speak of the Government of my country as I have done. I should much rather be able to hold them up to commendation and speak of them as a Government which once existed in England was described—as the Government of all the talents—but unfortunately I cannot do that. On the contrary, while there may be some men of ability in it, yet the Government has unquestionably exhibited a marvellous want of capacity, an extraordinary failure to realize the responsibility which rests on the rulers of this country, and an inability to seize and grapple with the great interests of the Dominion. To such an extent has this been the case, that I very much fear the historian of the future will speak of this Administration as “the Government of the Incapables.”

Hon. Gentlemen—Hear, hear.

Hon. Mr. MACPHERSON—There are gentlemen in it who will be excepted, but the Administration as a whole may be spoken of as “the Government of the Incapables.” Now, if we have not got useful measures, what have we got from the Government? I will tell this honorable House what the country has got during the years this Government has been in office. The annual controllable expenditure was increased up to the end of the last financial year, the 30th June last by the immense sum of \$2,300,000. How much that sum will be further increased at the end of the current financial year remains to be seen. Our annual expenditure may fairly be looked upon in the same light as the interest upon our debt. It is an annual charge, which to realize the burden of, must be capitalized. If you will capitalize this increased annual expenditure, of \$2,300,000 at five per cent, it will give you as the product the immense sum of \$46,000,000, that is, the increased annual controllable expenditure incurred by the present Government is equal to the interest at 5 per cent upon \$46,000,000. In addition to this, the public debt has been increased since 1873 by no less a sum than \$44,932,402. If you add this

*Hon. Mr. Macpherson.*

to the capital represented by the increased annual controllable expenditure of \$46,000,000, you will find that the increased burden imposed upon the people by the present Government amounts to the stupendous sum of \$90,932,402. The facts are plain and susceptible of proof. Every individual should realize in his own affairs, and should keep in view that each time he increases his annual expenditure by \$5, or whatever the annual rate of interest may be, he places under pledge \$100 of his capital. The gross amount of debt which the country is carrying now is \$174,675,834. Of that amount the sum of \$3,867,068 has not been received at all. The public debt is larger by this sum than the proceeds of the loans netted to the country. And what has the country got in return for the enormously increased burden which the present Government has placed upon the people? A large proportion of it is sunk in unconnected and widely-separated sections of the Pacific Railway, which will be useless and unused for years to come; in piles of corroding steel rails; in the useless Fort Francis Lock, and in unnecessary and injudicious expenditure in buildings in the North-West. These are some of the costly evidences which exist in Ministerial mismanagement and incapacity. The annual burdens of the country have of course also increased. The interest on the public debt is \$1,583,000 more than it was in 1873, and the annual controllable expenditure has increased in the same period \$2,300,000, making together \$3,883,000. In round figures, I may call it four millions. Hon. gentlemen will see from this that the annual burden of the country is increasing at the rate of about \$1,000,000 a year. The amount which had to be sent abroad to pay the interest on the public debt, for the financial year which ended on 30th June last, was \$7,132,408, and this charge will continue to increase year by year. I ask if the condition of the Dominion is such as to enable it to bear the strain that has been placed upon it? Can the affairs of the country have been prudently managed when the result is what I have described? The increase has been at the rate of a million a year—four millions in four years! Then there are our deficits. We have had, during the last two years, if our accounts had been fairly made up, an annual deficit of \$2,000,000

*Hon. Mr. Macpherson.*

in round figures. I have shown in this House that the accounts last year were not fairly made up. An item of \$343,591 I pointed out, had not been charged to the expenditure of the year, although the money had been expended, and therefore that amount did not appear in the deficit as it ought to have done. I ask if, in the face of the extreme depression which the experienced gentlemen around me are well aware exists in the country, the facts I have mentioned are not appalling? I used the word in speaking of the finances of the country two years ago, and it was considered too strong then: I ask if it is not too weak to-day to apply to the condition of the country? How have the deficits been met? Has any provision been made? Have the appalling facts been admitted and presented to the country as they should have been? On the contrary, they have been practically concealed. The people have been told the times are improving, that trade is increasing, and it is believed that in another year the revenue will overtake the expenditure. There is not a gentleman in this House who does not know that this is not likely to be the case—not one who does not know that the people are being deceived when they are told this flattering tale—not one who does not know that new sources of revenue must be found, that some new system of taxation must be devised, unless a scheme of great retrenchment is inaugurated and rigidly practiced. The Government and their supporters know that the liabilities of the country cannot be met unless they resort to a policy of economy such as was promised by them when they were seeking office, but which they have utterly failed to carry out during the five years they have been in power. If they should get a new lease of office, which I think, in the interests of the country, it is to be sincerely desired they should not get; they will have to resort to a system of taxation which will burden this country beyond anything which can be imagined now. They will be stigmatized as taxatonists of the Dominion.

Hon. Mr. PENNY—Hear, hear.

Hon. Mr. MACPHERSON—My hon. friend who says "hear, hear" knows

what a serious charge that is to bring against a Government. An Administration we all know of has lately suffered from the consequences of having such a charge made against it. I tell the hon. gentleman and the country that the charge of being grievous taxationists will lie more fairly against the Mackenzie Government than ever it did against any other Administration in this country, federal or local. Notwithstanding the depressed condition of the country and the increased burdens that have been imposed upon the people; notwithstanding the falling revenue which may continue to fall (I hope not, but I see no sign of improvement); notwithstanding these facts, the expenditure of the country is being increased most recklessly and wastefully. I venture to say that never before was a Supply Bill submitted to the Parliament of this country in which there were so many items which might have been omitted altogether, as in the Supply Bill now before this House. Never before did a Supply Bill show such an absence of all thought of honest, earnest retrenchment.

Hon. Mr. MILLER—We are to have an election soon.

Hon. Mr. MACPHERSON—As my hon. friend suggests, we are on the eve of a general election, and a great many items in this Supply Bill look as if they were intended to be useful in that election. Every hon. Senator knows that items are included in it which the state of the finances of the country should forbid the expenditure of some items for purposes which are not pressing, and which might be delayed for years, and some which are not required at all. Nothing could be more wanton and wicked, considering the state of the finances of the country, than this Supply Bill, and, judging by the past, it does not show what the expenditure will be. We have in its schedule "A," upwards of \$2,724,404 which ought to have been estimated for last Session, but which the Government was silent upon then, and expended the money without its having been voted—expended it without the authority of Parliament. Of this sum, \$848,290 is chargeable against revenue; almost exactly what was short-esti-

imated for the year before under that head. Next Session, a million or a million and a half may be required to meet the short-estimate of this year. It is a very easy way to deceive the country if the Ministry of the day feel so disposed. The Finance Minister brings down supplementary estimates to cover the short estimate of the previous Session; the money has been expended; what is to be done? We are not given to impeaching Ministers; if we were, the Minister who would adopt such a course would deserve impeachment, but in this country there is nothing for it but to vote the money, and grumble, or try to look pleasant. There are large items in this Supply Bill of which we have no explanation. Here is one of \$300,000 for "Pacific Railway, Lake Superior to Kewatin." What does that mean? It requires a knowledge of geography which few people in this country possess to understand it. I suppose it means between Lake Superior and the Winnipeg River, at Rat Portage, and possibly between Lake Superior and Rainy Lake. In this item may be included an amount for Mr. Sutherland's connecting link between the two ends of the Canadian Pacific Railway. \$150,000, or more, may be intended to carry out that ill-considered scheme—a scheme which, if completed, would give the two ends of the Pacific Railway a carrying capacity of only 1,500 bushels of wheat a day. I hope, for the country's sake, that no part of the public money will be wasted on Mr Sutherland's project. A portion of the item of \$300,000 may be intended to pay what remains owing for land at the terminus at Fort William. I believe the whole cost of that terminus has not yet been paid. The Public Accounts show that upwards of \$67,000 have already been paid for the ground, including the Neebing Hotel. Now, the cost of that terminus is enormous, and wholly unjustifiable. As many hon. gentlemen know, the railway need not have touched the town plot of Fort William at all. Without increasing its length, it might have been brought to the River at McKellar's farm and the land for the terminus could have been got probably for \$50 an acre instead of \$500 to \$600 an acre as it has cost in the town plot. Among the items in this Supply Bill, and one that I do think is not creditable to the Government, is one for the

Hon. Mr. Macpherson.

Pickering Harbor. That harbor belongs chiefly to a Mr. McClellan, who gave evidence before your Kaministiquia Committee. He was brought in my opinion very improperly and unfairly to injure the character of Mr. Murdoch, an engineer. I did feel that that was a base proceeding, one unworthy of a Minister of the Crown to have played a part in. We now find in the Supply Bill an item of \$5,000 for Mr. McClellan's Harbor. There is another fact in connect on with this which I may state. It is a small matter, but it shows wastefulness of the public money or worse. This Mr. McClellan came here doubtless to induce the Government to put an item into the Estimates for his harbor, and, while here he was called upon by the Government to give unimportant evidence before the Committee, and for this he was paid out of the public funds his travelling expenses from Pickering to Ottawa and back, and allowed besides \$4 a day for a certain number of days while here, although his real business in Ottawa unquestionably was to get an appropriation for his harbor. It is quite evident that the gentleman is one of the special favorites of the Government, who is held in higher regard than the people. When speaking of that terminus on the Kaministiquia, I may state that the railway was actually deflected into the town plot, instead of being taken, as it might have been, almost in a straight line to the McKellar farm.

Hon. Mr. HOPE—What can the McKellar farm be got for per acre?

Hon. Mr. MACPHERSON—We have it in evidence that Mr. McKellar would have been willing to have sold a part of the farm for \$75 an acre.

Hon. Mr. PENNY—I read it that he said distinctly the reverse.

Hon. Mr. MACPHERSON—He is not very distinct upon it, but he said he would be willing to have taken \$75 per acre for it.

Hon. Mr. PENNY—Yes; if the railway had gone to Nipegon.

Hon. Mr. AIKINS—He said if the  
*Hon. Mr. Macpherson.*

railway had come to his place he would have been willing to give 15 acres towards the terminus.

Hon. Mr. MACPHERSON—I asked him if he would have refused \$50 an acre for the whole farm, and his answer showed clearly he would have considered that a good price before the railway terminus was located on the town plot. The hon. Secretary of State has frequently asserted that the Government cannot acquire land as advantageously as a railway company can. I do not see why that should be the case. If a railway company had been surveying the Canadian Pacific line, and hesitating as to whether the terminus should be at Fort William, Prince Arthur's Landing or Nipegon, they would have taken good care to have got a sufficient quantity of land for a terminus under offer at all those points. Had the Government done this a large sum of money would have been saved to the country, and in addition to the terminus grounds they might have secured enough for a town plot, the sale of which would have helped to pay for the railway.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. MACPHERSON—The hon. Secretary of State thinks that could not have been done. I will tell him of a case which came within my own knowledge where a large sum was saved through the prudence and forethought of a Minister. The late Government, in 1869 or 1870, determined to build a new post-office at Toronto. They fixed provisionally upon what they believed to be the best site. The land was owned by several parties, and the Government got all the lots required under offer before they committed themselves to any of the owners. I will tell the hon. Secretary of State how I know this. The hon. Senator from Kingston was then Postmaster-General, and in March, 1870, during the Session of Parliament, he told me what the Government had determined upon, and said that the time within which the lots were under offer to the Government would expire before the money could be voted. He added that the land would cost the Government a considerable additional sum if those offers were allowed to lapse. And he asked

me if I would prevent this by advancing the money to pay for them. I did. The amount was some ten or eleven thousand dollars.

Hon. Mr. PENNY—For which I suppose, you were paid interest.

Hon. Mr. MACPHERSON—Only at the rate of six per cent per annum and the money was not re-imbursed to me until the following September. I have no doubt the Government saved a large sum in that instance owing to the prudence of the then Postmaster General. The present Government should have secured the terminal grounds for the Canadian Pacific Railway before the public knew where the terminus was to be. The manner in which the site for the Toronto post office was purchased, shows what can be saved by the Government acting for the country as prudent individuals would act in the management of their own affairs. Speaking of Fort William I might say something of the harbors of Prince Arthur's Landing and the Kaministiquia River, but I do not think it is necessary. The people at the Landing have built a railway to connect with the Pacific Railway but the Government forbade the connection. They even entered a suit in Chancery, I understand, to prevent the Prince Arthur's Landing Company entering on the Pacific Railway Reserve. That can be but for one reason—the fear that for a considerable part of the year that little railway of six miles would take the whole business from the costly terminus on the Kaministiquia and demonstrate that Prince Arthur's Landing was the proper place for the terminus. The people of Prince Arthur's Landing no doubt understood the Pacific Railway would be completed through to the Red River as a first-class railway, and be ready to do a large business, instead of being restricted to a carrying capacity of only 1,500 bushels of wheat a day. If the people of Prince Arthur's Landing had built a horse tramway like the proposed Government make-shift between Port Savanne and Rainy Lake, it would have answered every purpose until the Canada Pacific Railway is finished to Red River, but they have gone to the expense of constructing a solid railway, equipped with locomotives and other rolling stock. They asked the Gov-

*Hon. Mr. Macpherson.*

ernment to lend them rails, but they met with a refusal, although there were piles of steel rails at Fort William lying corroding. Of course there are other unfortunate features connected with that terminus, which I might enlarge upon—such as the Neebing Hotel. I ventured to say, a few days ago, that the transfer of the building to the Government involved a fraud. No one can read the evidence without coming to that conclusion. I state again in this connection that I do not mean to impute any wrong or corruption to the Premier. I wish to state this unqualifiedly. I do not think there is anything in the report that would convey such a charge or suspicion; at the same time I think there was a great imprudence, and great favoritism. I think information respecting the terminus leaked out, not through any fault on his part, but through another Department. I shall only further say upon the subject of the Supply Bill that I wish the members of the Government would endeavor to practice economy in their departments. I am afraid there is a rivalry in expenditure in some of the Departments. I am afraid that some of the subordinates may think that the costliness of their Departments will be accepted by the public as indicative of their usefulness. I hope the heads of the Departments will guard against expenditures, except for the most necessary purposes. I venture to call the attention of the hon. Minister of Agriculture to the fact that there may be in the immigration branch of his department a vast amount of useless and wasteful expenditure, unless it is most carefully guarded against. I have seen that it was stated in another place that unless the usefulness of his department increased this year, the expenditure would have to be reduced. I was very glad to see it. In the Supplementary Estimates there is an item of \$6,000 for extra clerks in the Department of Agriculture.

Hon. Mr. PELLETIER—It is to pay extra clerks who have been in the office for years, and who have always been paid heretofore out of the Contingencies. This does not add a cent to the expenses of the Department.

Hon. Mr. MACPHERSON—I am very glad to have elicited that informa-

tion. I have been told that the number of extra clerks employed this year in the departments and in the House of Commons, exceeds that of any preceding year. I think every hon. gentleman must be aware that fewer returns have been brought down this Session than usual. Perhaps the elections may have something to do with the employment of extra clerks.

Hon. Mr. SCOTT—More returns have been brought down this year than in any preceding Session during the past five years.

Hon. Mr. MACPHERSON—Not to this House. I wish I could induce the Government to realize the necessity there is for economy, and the burden that taxation is becoming to the people, who are poorer than ever they were before. They are making less money, and they are less able to pay taxes, while they are called upon to contribute more revenue than they ever were before.

Hon. Mr. SCOTT—The hon. gentleman has certainly drawn up a long bill of indictment against the Administration. The first charge is that we have been guilty of spending a large amount of money on the present Session, and of having protracted the meeting of Parliament. I confess the Session has been a protracted one, but that has been against the desire of the Government. It is very well known that comparatively few bills were intended to be introduced, because it was not considered that there was necessity for much legislation; but it is notorious and cannot be contradicted that the policy of the Opposition during the present Session has been to debate all manner of subjects for the purpose of getting various matters before the public. Day after day the Government were delayed and prevented from bringing in their measures. The Bill which comes up to us to-day has been before the House of Commons for two months.

Hon. Mr. MACPHERSON—It is always the case.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon; he cannot point out a solitary instance where a Supply Bill

*Hon. Mr. Macpherson.*

has been so long before the House. It is notorious that the desire of every Administration is to shorten the Session. It was never calculated that this meeting of Parliament would last more than seven or eight weeks. The Government were powerless to shorten it. Committees of enquiry were struck to investigate charges made against the Administration. It would have been improper for the Government to have refused those committees an opportunity to bring home their charges. They were given all the facilities they required to prosecute their investigations, but they were unable to establish their charges. The hon. gentleman says the trade of the country is terribly depressed, and he says the Government have done nothing to relieve this depression. Does the hon. gentleman mean to tell me that we can by Act of Parliament, and by increasing the taxation of the people, add to the wealth of the country? Even if by such a policy we could add to the manufacturing industries of the country, we would have to raise a certain amount of revenue from some other source. The hon. gentleman has got some visionary notion there is a policy which none of us have been able to discover yet, by which the prosperity of the country can be restored: whether it is to tax wheat, or coal, or salt, or the various woollen or cotton goods that every family must use, the hon. gentleman fails to tell us. The hon. gentleman is a great patriot. He advanced ten to fifteen thousand dollars when the Government wished to buy land for the Post Office in Toronto. He actually trusted the Government for that amount; and yet when he sees, as he says, this country going down day by day he will not disclose this great policy which is to relieve the country, not even in this pamphlet which he has scattered broadcast over the country. He has failed to tell us where this grand panacea is, where we are to get prosperity and come up to the plane where the Dominion was before the misfortune fell upon it by the change of Government in 1873. I do not think the hon. gentleman has come up to the patriotic point which the country has a right to expect from him. The hon. gentleman never gets up that he does not advise the Ministers of the Crown how they are to conduct the business of their offices

—how they are to reduce their staffs and cultivate economy. He seems to think that Ministers do not feel the responsibilities which rest on them, that they are entirely reckless in their expenditures of the public money; and yet, forsooth, the hon. gentleman, who possesses this great secret for restoring the prosperity of the country—this philosopher's stone—fails to tell us all about it. He is waiting, I suppose, until his friends come into power to make the announcement, and then the country will come up again, and we will all become wealthy in some extraordinary way. I do think the hon gentleman ought to inform us how we can legislate in such a way as to remove the prevailing depression. The hon. gentleman has told us of the terrible blight which has fallen on the country in the shape of the present Administration. He has pointed out items in the controllable expenditure which could be saved, and he says that \$2,000,000 have been added unnecessarily. I have the table before me that has been quoted so often, and in the Blue Book which my hon friend takes as his authority, and which is the only authority we can recognize for the last fiscal year we have any record of, I find the controllable expenditure in that year was \$6,835,000, and that for the former year it had been \$8,569,000. This Administration, when a year of depression came, cut down the expenditure at once, and saved \$2,000,000 instead of adding that amount. Running back to 1875-6, I find the expenditure was \$7,868,000—a million dollars more than the expenditure was in the last fiscal year—and I find that in 1873-4, the last year of the late Administration, the controllable expenditure was \$8,324,000, or nearly \$2,000,000 more than we expended last year, notwithstanding the fact that we have carried on improvements on the canals of the country, and have been proceeding with the construction of the Pacific Railway, for which large sums of money had to be raised in England. On those loans we have had to pay interest, and yet we have been able to keep down the expenditure to the figures I have mentioned. The gross expenditure of 1876-7 was \$23,519,000, against an expenditure in 1873-4 of \$23,316,000; showing an increase of only \$200,000, notwithstanding the fact that we have been prosecuting

*Hon. Mr. Scott,*

great enterprises, and notwithstanding the steel rails purchase, of which we have heard so much, the expenditures on the Welland and Lachine canals, the expenditure on the Pacific Railway, and the admission of Prince Edward Island to the Union. How was this done? Because our Finance Minister, whose abilities have been depreciated so very often in this Chamber, and who, like myself, is one of the incompetent colleagues of the Premier, has managed to get our money at a very much cheaper rate, notwithstanding the depression of the times, and the loss of a considerable portion of our trade, than former Finance Ministers did. We have all these facts staring us in the face.

Hon. Mr. MACPHERSON—But they are not the facts. The hon. gentleman says the present Finance Minister got money cheaper than any other former Finance Minister. I deny that.

Hon. Mr. SCOTT—I say he did get money cheaper. There is the proof of it—that the expenditure last fiscal year was only \$200,000 more than the expenditure of 1873-4. There are the figures; they cannot be denied. Whether the money is charged to the suspense account, or any other account, the figures are there, and they cannot be combatted. The hon. gentleman has stated that the country lost \$3,000,000 by Mr. Cartwright's loans, yet the system pursued by Mr. Cartwright is now being tried in other countries.

Hon. Mr. DICKEY—Did not Mr. Rose try it?

Hon. Mr. SCOTT—He could not. Mr. Cartwright obtained the loans at four per cent., and by that means he has gradually brought down the expenditure year by year; and anybody who studies the Public Accounts will see that the effect of the reduced interest will be considerable in a short time. As our Public Works increase, the actual amount we will have to pay for the larger amount of debt will be less than we have been paying for the smaller amount—in other words, we are practically getting our Public Works constructed without any additional charge to the country, because we are getting our money cheaper than ever before.

Hon. Mr. HOPE—Hear, hear.

Hon. Mr. SCOTT—I do not propose to go into other details, except to allude to one fact, and that is the purchase of the McKellar farm. I will just draw the attention of the hon. Senator from Saugeen to the evidence of Mr. McKellar in reference to the amount of improvements that he had on the front twenty-five acres of his farm. It cannot be denied, apart from Mr. McKellar's evidence as to what he would take for it one time or another, that if his farm had been utilized for the terminus, it must have been the twenty five or thirty acres fronting on the river. Mr. McKellar, in his evidence, stated he had spent before that period on this land fronting on the river, from \$3,500 to \$4,500, and he described what it was—his house, out-buildings, clearing and dockage, he had there. If we take the twenty-five acres alone, supposing we take the middle figure, \$4,000, the land on the front part of the farm had cost Mr. McKellar \$160 per acre. He had paid that much out of his own pocket the year before.

Hon. Mr. MACPHERSON — How many acres?

Hon. Mr. SCOTT—Twenty-five acres.

Hon. Mr. MACPHERSON — There was more than that required for the terminus.

Hon. Mr. SCOTT—But you must have that land in front. In 1875 he sold part of that land at the rate of eleven or twelve hundred dollars per acre.

Hon. Mr. MACPHERSON— Yes ; after the terminus was selected.

Hon. Mr. SCOTT—I am not going over the details. I have given you Mr. McKellar's own statement.

Hon. Mr. MACPHERSON—The hon. Secretary of State will not imagine, I hope, that I accused him of incapacity. I know he would not like me to say anything in praise of himself at the expense of his colleagues, and I would not do what would be in such bad taste ; but I must say that whoever has witnessed his labours during the Session will certainly

*Hon. Mr. Scott.*

not suspect him of want of capacity. I have regretted more than once that in the discharge of my duty I had to pursue a course which increased his labors.

Hon. Mr. WILMOT—It is very unfortunate that matters of this sort come up at such a late hour in the Session that we really cannot look into them. I would like to call the attention of the hon. Secretary of State to some facts contained in the returns just laid on the table to-night. If I read the speech of the Finance Minister correctly, I think he stated that the increase of revenue for the year, supposing it were to go on as it had done, would be something like a million dollars in excess of what it was last year. Now, we have returns of the amount of revenue actually collected during the first nine months of the current fiscal year. The amount of customs collected during those months was \$9,635,676, as against \$9,363,159 in the corresponding period of the preceding fiscal year. In the port of St. John, the Customs collected was \$850,403 during the first nine months of the current year, as against \$582,607 for the corresponding period of 1876-7. So that the increase of revenue during the first nine months of this year, over the corresponding period of the preceding year, was only \$277,000 ; and as will be seen by the returns of duties collected at the port of St. John, that increase is due entirely to the great fire which occurred last year. The returns brought down by the Secretary of State show, instead of an increase of \$1,000,000, there was an actual falling off, if we include the returns from the port of St. John.

Hon. Mr. SCOTT—The increase for the nine months is nearly \$700,000.

Hon. Mr. WILMOT—I take the returns brought down by the hon. gentleman himself, and prepared in the public offices.

Hon. Mr. SCOTT—I have got the returns from the Finance Department. For the first nine months of 1876-7, the total revenue was \$17,141,484 ; for the first nine months of 1877-8 the revenue was \$17,788,923. The hon. gentlemen is, therefore, in error.

Hon. Mr. WILMOT—The Customs and Excise are the barometers of the state of the trade of the country. I have shown that there is no increase from Customs, apart from the port of St. John. These figures speak for themselves. Now, let us see what the revenue has been from excise. For the first nine months of 1876-7, the collections from excise amounted to \$3,928,758, and for the corresponding period of the current fiscal year, \$3,847,948; showing an actual falling off during the present year in the revenue from Customs and Excise. I ask the hon. Secretary of State to explain where this increase, that the Finance Minister and himself claim, has taken place in the revenue? In the face of such facts, I cannot help a feeling of regret that the financial affairs of this country are in the hands of such a financier as Mr. Cartwright. The hon. Secretary of State speaks of his having got money at a lower rate of interest than ever before. That is easily explained. Never in my experience have I known money to be so low in the Bank of England as at the time when that loan was negotiated. The rate was actually only one per cent. Does it show any great ability on the part of the Finance Minister that he was able to obtain money at four per cent when the people of England were afraid to invest in foreign loans, and when money was held at the Bank of England at one per cent interest per annum. The Secretary of State said that nothing can be done by legislation to improve the condition of the country, that although bankruptcies involving \$90,000,000 have occurred in one year, nothing can be done by the Government to restore the prosperity of the Dominion. I take issue with him on that point. I tell him we are importing from abroad products which our own people could be profitably employed in producing. I have read recently the words which fell from Bismarck, the German Chancellor, with regard to the policy they have been pursuing in Germany. He admits that the policy of free-trade has proved a failure and that they have got to adopt the policy of France in order to put Germany in a proper position. I tell the Secretary of State if there is any common sense in this country, any knowledge of the interests of the Dominion, or any desire to improve its condition, there must be a change when

*Hon. Mr. Wilmot.*

the elections come round, and there must be a condemnation of this do-nothing policy. We must have men of genius and statesmanship in office, men who can put the country in a better condition than that in which we find it to-day. I have quoted from those returns to show that the statement made by the Finance Minister was entirely fallacious, misleading and contrary to the facts.

Hon. Mr. PENNY—The hon. Senator from Saugeen in addressing the House, began by submitting estimates, and it seems to me he took a rather singular way of regarding them, considering the views he expressed earlier in the Session. In referring to the Estimates before the House he regarded them as the minimum, and contended that the expenditure would certainly exceed them. On a former occasion, speaking of Mr. Tilley's estimates, he insisted that they by no means represented what the expenditure would have been if the late Administration had remained in power; because, he contended, they were in excess of the contemplated expenditure.

Hon. Mr. MACPHERSON—What I intended to show was that the Estimates could not be regarded as any indication of what the expenditure would be.

Hon. Mr. PENNY—The Estimates of all Governments are under, rather than over, the amount actually expended. That is one of those financial axioms of which no one entertains any doubt. I need not refer to what has been said about the length of the Session, because the hon. Secretary of State has disposed of that. I think nobody is so simple as to suppose that the Ministry would desire to keep us here all this time, if they could get through with their business in six or eight weeks.

Hon. Mr. MACPHERSON—I did not refer to the time so much as to the product. The time does not increase the expense much.

Hon. Mr. PENNY—The hon. gentleman seemed to forget when he spoke of a Ministry "of all the talents," that it turned out one of the most incompetent that ever occupied the Treasury Benches in England. So I do not want anybody,

or any other Administration "of all the talents" to come into power here. Such governments are very much like precocious children—they turn out more stupid than those from whom less is expected in their youth. As to the product of the Session, I think it is the result of having too many legislatures. Nothing was more absurd than the portion of the Confederation Act which established so many legislative bodies. It is preposterous and ridiculous, and the system will break down some time—and the sooner the better. It was one of those grand blunders for which no Ministry in particular is answerable—one of those insanities which sometimes seize upon people, and from which they do not recover without paying pretty dearly for them. I fail to see any great products of any session since Confederation, except the admission of a few Provinces into the Dominion. But it has been well said, "Happy is the country whose history is not long." I do not believe that legislation could improve the condition of the country. On the contrary, I believe that quackery of all kinds is deleterious to the constitution (human or national) that suffers from it. The hon. gentleman is one of those who, here and elsewhere, have, I believe, always professed not to be protectionists. I can understand that the hon. Senator from New Brunswick (Mr. Wilmot) who is a protectionist, and says the Government ought to do something to relieve the country, is perfectly right from his point of view, but, except protection, I have not heard of any policy which has been suggested that the Government could adopt to improve the condition of the Dominion. I should like to know what particular theory the hon. Senator from Saugeen has. The hon. Senator from New Brunswick (Mr. Wilmot) is not only a protectionist, but he is a currency doctor, and perhaps, according to his own view, legislation might accomplish a great deal, but whether it would be beneficial or injurious to the country could only be known by experience. But my hon. friend from Saugeen is not a currency doctor. One of the last ideas with him I should imagine, would be to issue shinpasters, for according to the hon. Senator from New Brunswick this is the only way of saving the country. As to this depression which prevails, it is not confined to

*Hon. Mr. Penny.*

this country. It is experienced throughout the whole of the world. Take the State of New York. During the last three months an enormous amount has been lost through bankruptcies.

Hon. Mr. WILMOT—There have been more in Canada in proportion to our population, as Dunn, Wyman & Company's report shows.

Hon. Mr. PENNY—Take the country that we all look up to as presenting the greatest financial success—England. I was reading in the *Pall Mall Gazette* today, an account of a great strike in Lancashire. The masters are demanding that the men shall submit to a reduction of ten per cent. in their wages, and this after reduction upon reduction of wages for months past. It is shown that in a factory of five hundred spindles there is a loss of £3,000 this year, and when the reduction of ten per cent. is made, there is still to be a loss of £1,500 a year. I should like to know if that is not a state of depression.

Hon. Mr. WILMOT—That is the result of free trade.

Hon. Mr. PENNY—The hon. gentleman thinks his own side is right, evidently; but in England there are men like Gladstone on one side, and Sir Stafford Northcote on the other, who do not go in for any such policy as the hon. gentleman believes in. They are doing what a wise physician does with a patient—leaving nature to cure what he cannot touch without making things worse.

Hon. Mr. WILMOT—Bismarck thinks differently.

Hon. Mr. PENNY—I do not regard Bismarck as a successful financier. He made a good man in blood and iron, but he has shown himself anything but a good political economist. He had an opportunity of bringing more gold into his country than any other financier in the world, and the result of his management has been to bring the country to the verge of bankruptcy.

Hon. Mr. McLELLAN—He has found out his mistake.

Hon. Mr. WILMOT—He has not only found out his mistake, but he is going to try what France has done, to see if he can accomplish the same result.

Hon. Mr. PENNY—France has not done so well as the hon. gentleman imagines. At all events, she has not got the prosperity she possesses in the way my hon. friend supposes.

Hon. Mr. WILMOT—She got it precisely in that way.

Hon. Mr. PENNY—Of course the expenses of the Dominion are increasing. We all know that. How is it possible to build railroads and canals without adding to the expenditure of the Dominion. I am sure the hon. gentleman cannot explain how it would be possible to enlarge the Welland and the Lachine Canals, and to build all the railroads we are constructing without increasing the expenditure. If the hon. gentleman has any contrivance to prevent that, I should like to hear it.

Hon. Mr. MACPHERSON—I have often stated what I would have done in connection with the Pacific Railway, and how great saving could be effected.

Hon. Mr. PENNY—Will the hon. gentleman say what he could save, for he must know it is only a question of degree after all.

Hon. Mr. MACPHERSON—There is one thing I would mention. When the present Government came into office, such was their strength, they could have set their faces against a vast amount of this expenditure, and stopped it, and saved the Dominion from the predicament in which we find it to-day.

Hon. Mr. PENNY—They could stop the Welland and Lachine Canals half done, and the Pacific Railway, with the gap which hon. gentlemen complain about. To complete those works, money must be expended. If this Government has got to impose taxes, another Government would also have to do so. The moment Confederation was established, all those enterprises depended upon it—the enlargement of the canals, the construction of the In-

*Hon. Mr. Wilmot.*

tercolonial Railway, and this Pacific Railway, to extend from one side of the continent to the other—from that moment we knew what was coming; and, if hon. gentlemen pretend to have only found it out now for the first time, they must have been very blind up to a recent period. The hon. gentleman says there are certain things in the Supply Bill which are intended for the elections. He alludes particularly to the improvements in piers and harbors. My hon. friend from Arichat talks a great deal about elections, and yet he has one of those little items of his own—the St. Peter's Canal—and he expects the Government to expend money upon it. I suppose, as long as the hon. gentleman continues to be a Senator, he does not want to be elected, and yet, if we are to suppose that all these improvements are to be made to influence the elections, we must come to some conclusion of that kind.

Hon. Mr. MILLER—The St. Peter's Canal is a work for the benefit of the country.

Hon. Mr. PENNY—I am saying so. The hon. gentleman is elected for life; but if his canal involves no electioneering jobbery, I should imagine other canals and public works would be in the same position. The hon. gentleman speaks about the land on the Kaminstiquia, which, he says, might have been bought for \$50 an acre. I think there is nothing in the evidence to show that.

Hon. Mr. MACPHERSON—I do not say there is anything in the evidence to that fact. What the evidence shows is this: Mr. McKellar offered a part of his farm for \$75 an acre, and admitted that \$50 would have been a good price before the railway terminus was fixed there.

Hon. Mr. PENNY—I do not read the evidence that way. He never offered it that I can see. He said if the railway had gone to Nipegon he would have considered fifty dollars an acre a fair price. The value of land there is put up by the railway. We will suppose the town plot to be a farm, and McKellar's another; McKellar gets a thousand dollars an acre for his farm, and yet the owners of the other are expected to take fifty dollars an acre for

it. When the railway was located there it raised the value of the property.

Hon. Mr. MACPHERSON—The land should have been secured before the railway was put there, in the way that railway companies manage.

Hon. Mr. PENNY—We know that a number of people were going about buying land everywhere they thought it possible the railway terminus would be located. Some went to Sault Ste. Marie, some to Nipegon, others to Prince Arthur's Landing, some to the town plot, and some went to all those places. Now, when a man goes to all the possible places it would be very odd indeed, if he did not hit the right one. But the hon. gentleman says the Government should have bought land at all those places. At what period should they have done so? We have evidence that Mr. Murdoch was surveying at this town plot in 1872. That was the time the late Government should have secured the land.

Hon. Mr. CAMPBELL—There was no question of a terminus before the change of Government.

Hon. Mr. PENNY—When the railway was proposed it must have been known there would be a terminus. Mr. McKellar says: "In 1872 I knew the railway was going there." That is, he knew it would come to some of those three or four eligible places, and the place selected was the most eligible. The hon. gentleman says the Government should have bought at Nipegon. Why did not the old Government buy there? As soon as they began surveying, they knew there must be a terminus somewhere. The hon. gentleman has told us of a financial expedient of the late Government which seemed to me not to be of remarkable value. If it be an advantage to the Government to borrow a little money from individuals, I could not lend them as much as the hon. gentleman did, but I would be happy, as far as my means would allow, to advance money on such terms.

Hon. Mr. CAMPBELL—It was not a question of borrowing money, but of buying land.

*Hon. Mr. Penny.*

Hon. Mr. PENNY—I can understand the Postmaster-General, instead of buying property in his own name, buying in some other person's, but why he should borrow money from a private individual I cannot understand.

Hon. Mr. MACPHERSON—There was no appropriation for it. As I have described, the land was under offer, and that offer would lapse in a month unless the purchase was made within that time. Instead of going to the bank to raise the money in any way which would have appeared improper in the Public Accounts, he got it from me.

Hon. Mr. PENNY—There may be a distinction, but I do not see it.

Hon. Mr. MACPHERSON—If the present Government had taken the same precaution, it would have saved \$100,000 for the land at the Kaministiquia, or about that. The point is that when they determined on placing the railway terminus at the town plot, they must have known what their intentions were before outsiders were informed of it, and they should have got the land under offer to them; and if they had done so they would probably have got it at ten dollars an acre.

Hon. Mr. PENNY—There was no probability of anything of the sort. Two years before that the country was all agog. When you come to buy land for a railway station everybody knows what that means. Speculators are on the alert. There is one paragraph in the report of the Committee appointed to investigate this land purchase to which the hon. gentlemen alluded—the one which says that certain parties were informed of the place where the terminus would be before the public knew of it—and it goes on with what professes to be a paraphrase of the evidence, the effect of which is that two gentlemen, Messrs. Savigny and Clark, swore that Mr. Davidson told them he had received information in advance from a very high authority. If that high authority means anything it means Mr. Mackenzie. When this was stated last night we were told that no reference was made to Mr. Mackenzie. If that be so, then it means

nothing; but is it fair play to refer to the evidence of Messrs. Clark and Savigny and not to give the statements of Mr. Mackenzie and Mr. Davidson, which were most positive? I think it would have been but fair to have contrasted the evidence of the Premier and Mr. Davidson with that of Messrs. Clark and Savigny.

Hon. Mr. McLELAN—Hon. gentlemen opposite complain of the length of the Session, and the numerous attacks on the Government. It has been somewhat protracted, but that is not our fault. There have been attacks on some of the many failures of the Government to discharge aright their duties, and some hard things have been uttered in discussion, a good many pleasant things and some things rather surprising have been said. But I venture to say that nothing has more surprised this Senate, or is more calculated to astonish the country than the declaration just made by the hon. Secretary of State, that their financial administration has been so admirable as to improve the credit of the country among capitalists; thereby largely reducing the rate of interest. The country will be slow to believe that the position to which the Government has reduced us—the surplus gone; trade largely reduced; the industries of the country prostrate, and annually recurring deficits of millions—is calculated to inspire the money lenders of the world with such confidence as to give us larger rates of interest. The explanation has been repeatedly given that the position in which the late Government left our finances, as shown by Mr. Cartwright when he went to borrow, induced a low rate, and a large amount of money having been borrowed at that low rate to take up old bonds bearing a high rate, the change makes the lower average rate that we are paying. In considering the Bill before us I have to repeat the complaint made by hon. gentlemen on this side, that at the last hour of the Session we are called on to sanction the expenditure of so many items, and in the aggregate, such an enormous sum. The hon. Secretary of State says the Bill has been detained in the Commons two months by the Opposition. I am not surprised at that opposition. In fact the true friends of the country would have been false to their duty had they not protested against the

*Hon. Mr. Penny.*

amount demanded by the Government—an amount extraordinary under any circumstances, and in the condition of our revenue and the limits which taxation has reached, really alarming. A few years ago the gentlemen now in the Government, but then in the Opposition, professed to be horrified at the proposition of the late Government to expend in a period of ten or more years thirty millions for the Pacific Railway, and here to-night in this Bill, brought down at the last hour, they call on us to vote nearly fifty per cent more than that sum—over forty two millions. To complete the year 30th June, 1878, they ask us to vote, chargeable to income, \$848,290; and chargeable to capital, \$1,873,114; and for the year 1878-9, \$39,998,204; making a total, at one vote, of \$42,719,608. Enormous as this sum is, we know that they will expend beyond it. It is their custom to under-estimate—to vote in advance a small sum, and then spend the summer in boasting of economy, and, as proof thereof, holding up the amount provided in the Estimates. It is a mode of deception that must be short-lived. So late as the 25th of September last, Mr. Cartwright, at one of those celebrated picnics as reported (page 162) said: “The sum we demanded to meet all services was \$23,378,000.” He makes this statement, has it carefully reported, and allows it to stand, that his followers all through the Session, may boast of his economy; and now, at the last hour, adds to it nearly a million dollars, chargeable to income, besides nearly two millions more to be added to our debt. And just so will it be that the Government will expend more for 1878-9 than we are now asked to vote. What we have been promised, and what we had every reason to expect was reduced expenditure. We have had a succession of deficits, and there is every indication that there must be a third. The sum voted last Session for the year ending June '78, was \$23,378,000. We are asked now to add to it, chargeable to income, \$848,290, making, together, \$24,226,290, whilst the total expenditure last year charged to income was \$23,519,301, showing a contemplated increase of \$706,989. With last year's expenditure the deficit was, exclusive of the disputed suspense account, \$1,460,027, making, together, \$2,167,016, which would be the deficit for

this year, provided there is not an increase of revenue. Now, we have had the returns from the Custom and Excise receipts for nine months laid on the table to-day. Taking them, and adding the same amount for the remaining three months as was given by the corresponding three months of last year, we find that it is actually less than the receipts of last year by \$105,000—that is, taking the whole of the Dominion, except the city of St. John, where the sad destruction of property caused increased imports, making an increase of revenue of \$282,000. So that, judging by the returns of revenue submitted, there will be, taking the benefit of the St. John fire, a net gain of \$177,000. There has also, we find, been an increase from Public Works, railways and canals, but there will be increased expenses to charge against that increase of receipts. But, for the time, giving them the full benefit of it, the total increase in revenue would be, say, \$600,000. This will leave a deficit of \$1,567,000 as near as can be calculated, so far as we have the returns. In the face of such a result is it not marvellous that the Government goes on continuing and even increasing our enormous expenditures, which must assuredly result in increased taxation in some form? The hon. Secretary of State and his supporter, the Senator from Montreal, call upon my friend (Mr. Macpherson) beside me to give to the public the policy by which he claims that the condition of the country may be improved, and then they go on to say that in any scheme we have or may have, they can see nothing but increased taxation. We deny that any scheme, entertained for a moment by us, is designed to increase in the slightest the burdens of our people, and it comes with an ill grace from the gentlemen opposite, to charge us with desiring to impose additional taxation on the prime necessities of life, when that is just the course they have been pursuing; and not that alone—not only increasing the taxes on the necessities of life, but by their trade policy rendering it more difficult, for want of remunerative employment, to procure these necessities. They were hardly three months in power when they increased the taxation three millions a year, and as opportunity offers, they add to it. From their policy and extravagant expenditure, they have a succession of

deficits of nearly two millions a year, and they have not met these by additional taxes, for the only reason that they are undecided where or how to levy the necessary taxes. They have raised the 15 per cent. *ad valorem* to 17½; they have added to the duties on spirits and tobacco; whilst tea, coffee, and other things, free under the late Government, have been taxed; and they now only pause because they know not where else to lay the tax-gatherer's hand heavier. They would tax the water we drink, and the air we breathe, if they only knew by what means they could collect the revenue. Not long ago I read an article written by one of their party of free-traders in which he argued that it is immaterial in what mode the taxation is collected, and he very gravely proposed a tax on milk. Should the article meet the eye of the Government, we must not be surprised (inasmuch as it accords with their policy) to find the Ministers of Excise and Finance, having taxed the tea and coffee of our breakfast table (which the late Government made free) imposing an excise on milk; regulating the rich man's cream and the poor man's milk dish; whilst the Minister of Justice frames clauses for the prosecution of the infant on its mother's breast, should it exceed the regulations of their lacteal tariff. Time, however, will not allow me to enlarge farther on the trade policies held by the two parties, nor will it permit of a consideration of all the items upon which we are asked to pass to-night. We can do little more than enter our strong protest against their general extravagance and appalling recklessness in the condition of our trade and revenue. A few words on one or two items in the Bill. We are asked for an appropriation, and thus to sanction the extension of the Georgian Bay Branch to connect with the Canada Central. There is, perhaps, no fact more plain than that the successful settlement and prosperity of our great North-West depends upon our having direct and easy communication through our own territory with it. The settlement and prosperity of that great prairie land with direct communication with the rest of Canada must have an immense influence on our trade, manufactures and general progress, and yet the Government whilst they on the floors of Parliament, on the platform at picnics

and where an opportunity offers, tell us that, important as this may be, we have not the means—we are not in a financial position that will permit us to construct the link which is necessary to connect the two sections now under contract—and yet for political purposes, to influence the elections, they give a million and a half to the Georgian Bay Branch. We are expending six millions on two separate pieces of road that will form part of the connection with the great North-West, and whilst declaring our inability to connect them and make them of any value (and without connection there is no man, Hugh Sutherland of Fort Francis perhaps excepted, that would venture to say that they will be of the least possible value) the Government, to secure a few votes, give a million and a half in round numbers to a work which may at some time have its importance, but which by no possibility can compare with that of putting in the “Missing link” to Manitoba. I am at a loss for words sufficiently strong to condemn such an outrage upon the people of Manitoba and the North-West—such an outrage upon the people of the whole Dominion. Reference has been made by those who have preceded me in this debate to the payments for the Kaministiquia terminus, and, from the sums proposed to be expended from Thunder Bay westward, there will probably be additional payments to land jobbers. There is no man who has given to this question the least possible attention that can have any other opinion than that the lands for which we have paid \$67,000 and have more yet to pay, were, apart from the railway, comparatively worthless, having no commercial value whatever. The hon. Senator (Mr. Penny), who just addressed us admits this.

Hon. Mr. PENNY—Yes, I admit it.

Hon. Mr. McLELAN—Well I am glad the hon. gentleman admits this, but for the benefit of those who have not studied the case, permit me to group a part of the evidence. It is fresh in the recollection of gentlemen around me that the Chief Engineer, accompanied by the reverend gentleman who is now at the head of the Kingston University, made the trip along the proposed route of the Pacific Railway, and that Dr. Grant published an account

*Hon. Mr. McLelan.*

of that trip: “Ocean to Ocean.” On page 31 of that book he speaks of the journey from Thunder Bay and along the Kaministiquia and says of it:—

“Not half a dozen settlers are on the road for the first 26 miles, and for the next 20 not half that number. How many cotters, small farmers and plough-boys in Britain would rejoice to know that they could get a hundred acres of such land for one dollar an acre, money down; or at twenty cents per acre after five years settlement on it. This was the information about the price of the land that the settlers gave us.”

The district even adjoining Thunder Bay may be said to be almost destitute of population, and we have, in addition, the testimony of the Premier, that the road runs into a wilderness, where the foot of white man had never been until his engineers surveyed the line. In this state it is preposterous to suppose for a moment that the land has any value other than ordinary wilderness. The men who were sent out by the Government to value the land, admit in their evidence before the Committee, that the value placed upon the lots was the value given to them by bringing the railway there. On page 2 of the evidence, Mr. Wilson is asked, “Would you have given the same value for those lands if there had been no railway there, or any likely to be constructed?” “No, certainly not.” Again, “What would have been the value of those lands before it was publicly known that the railway was located there?” “Not very much.” Mr. Reid, the second valuator, on page 32 of the evidence says, in answer to the enquiry what he would give for the lots without the prospect of a railway, “Personally, I am not a speculator, and I would not have given anything for them.” It will also be remembered that last year when only \$51,000 had been paid, Mr. Fleming, in giving his evidence before a Committee, expressed his amazement at the sum then paid. It is claimed by the defenders of the Government in this transaction, that the low price for those lots was at some period long past, but the evidence of the notorious P. J. Brown, the “advisor of the valutors”—the “Agent of the Government,” the man appointed by Mr. Mackenzie, and the partner in the firm of Oliver, Davidson & Co., who were under various names interested in nearly all

those lands, as well as engaged in a number of contracts under Government—he, Peter Johnson Brown, in his testimony, gives the price of those lands in 1873. I was present when that gentleman gave his testimony. He was asked about the ownership of certain lots, and answered that they (five) were in his wife's name; that he "wanted to invest some money for the benefit of his wife, and he bought those lots in her name." Hon. gentlemen, when I heard the witness make this statement, I was immediately prejudiced in his favor. I said to myself, "the man who thus provides for his wife must have his good points, and when my hon. friends from Saugeen and Toronto are hard on him, and when even, perhaps, the Government are giving him the cold shoulder, I'll stand up for Peter Johnson Brown—I'll speak a word for the man who, perhaps, has by pinching and saving—denying himself the luxuries of life, and from the sweat of his brow—been investing for the security of his wife and family." But hardly had I formed this conclusion, when the Senator from Toronto put this plain and, I admit, very proper question, "What price did you, in 1873, pay for those lots?" And the answer, I regret to say, was—four dollars! Ah, it is painful to reflect how suddenly the fairest fabrics fancy builds are overthrown! "Wanted to invest money for the benefit of his wife!"—"Four dollars," Artemus Ward, of patriotic memory, in the hour of his country's need, in a gush of enthusiasm, freely offered for the war "all his wife's relations," but I am sure, patriotic as Artemus was, he would not have hesitated to have kept them at home and invested, not only for Betsy Jane, but each of her relations, four dollars in lots at Kaministiquia; especially if he had had any warning, intuitive or otherwise, that he would be the agent of the Government and advise at their valuation, and have the extreme felicity of paying \$600 for what cost four dollars. Hon. gentlemen, I need scarcely say that I have abandoned Peter Johnson Brown, and you may press him as hard as reason and justice demand without a word on his behalf from me. And yet he is scarcely so deserving of censure as is the Government that employed him. Brown, though employed and instructed by the Government, at-

*Hon. Mr. McLelan.*

tended to the interest of himself and partners. The Government gave the valuator a copy of the Railway Act, which declares that all lands shall be valued independent of the enhanced price that the road shall give them. A copy of this Act, with the clauses containing this declaration, specially marked by the Minister of Public Works, was sent to the valuator. They were also instructed, as Mr. Reid, at page 35, tells us, that no improvements made after the date of taking the land in January, 1875, should be paid for. These were plain, positive and unmistakeable instructions to the valuator. It is curious, however, to notice that these instructions were given at a time when the Premier, in his evidence on page 152, says he did not know that "Oliver, Davidson & Co. owned any lots in the town plot which had been laid off for the terminus." The valuator holding these instructions, visit the premises, but, advised by P. J. Brown, the agent of the Government and the partner in Oliver, Davidson & Co., who are interested in nearly all the land taken, set the instructions aside. On page 33 of the report, one of the valuator tells us that Mr. Brown advised that the Act which Mr. Mackenzie gave for their guidance did not apply to their case. Brown, being interested in nearly all the lots, seems to know better than the Government how they should be valued, and, strange to say, brings the Government to the views of himself and his partners. The Premier, when first informed of Brown's advice, says, in his evidence, on page 152, that he was greatly "surprised and wrote him a somewhat angry letter." That letter is dated 2nd August, 1876, and I shall trouble the Senate with this extract:—

"When the valuator were informed they could consult you on any difficulty in titles, it was certainly not the intention of the Department to submit to you the interpretation of an Act of Parliament, but simply to render any legal help in the routine business they might find necessary to ask. The opinion you did give is repugnant to the law, and contrary to the interests of your employers, and, of course, is in the interests of the former owners of the land who took possession of it in January, 1875."

The Premier starts well—he calls the attention of the valuator to the Act of Parliament, and gives the correct inter-

pretation of it. He also points out to the valuator that no improvements made on any lands after January, 1875, should be paid for, and, I am sure, this House and the country will be curious to know what reasons, what pressure prevented the Premier from acting up to his written and repeated instructions. The Premier, when he named the valuator and gave them their instructions, and appointed Brown as agent for the Government, did not know that Oliver, Davidson & Brown owned the land. Brown is supposed to have an interest in protecting the Government, but it will be admitted his own interests are stronger; hence he advises the valuator. Mr. Mackenzie tells him, August 2nd, that that advice is "repugnant to the law and contrary to the interests of his employers," the Government. Nevertheless, Brown's advice prevails, and he pays the enormous sum of \$67,000, mostly to self and partners, for lands which, apart from the railway, had really little if any value. The most flagrant violation of all the proprieties was the Neebing Hotel. The instructions to the valuator were to allow for no improvements made on any of the lots after the plan was fyled, January, 1875. Brown assures the Premier, in his letter of August 5th, 1876, that the valuator is abiding by this. Now, the plan taking possession of the land was fyled January, 1875; in the following August, Oliver, Davidson & Brown, and one or two others formed the Neebing Hotel Company, and proceed with the erection of that huge shanty directly on the line of railway, and opposite the wharf and within fifty feet of the bank, in such a position that it was impossible to extend the track, or make necessary sidings, without passing through the building. The valuator is informed by Brown that the Government will pay for this structure and he (Brown) the agent of the Government, and one of the owners of the building, makes up an account of what he tells them is the cost of the structure, and all materials on the ground; but more than double what others on evidence valued it at. This is forwarded to the Government—the Government that had instructed the valuator, and declared that nothing placed on the lands after January, 1875, should be paid for; and, strange to say, is paid for. It is un-

*Hon. Mr. McLellan.*

fair to gentlemen to detain them by further comment on this incomprehensible transaction at this late hour. A matter that has occupied considerable of our attention this Session, the Fort Francis Lock, has provided for it in the Bill before us, \$60,000. This is one of the, to use the mildest possible term, many expensive blunders into which the Government have fallen. It was never recommended by any engineer, and no man who values his reputation will say a word in its behalf. Even if necessary, there was no necessity for starting the work until the two sections of railway were under contract, and well advanced, as it is work less difficult or requiring less time to complete than 200 miles of railway, and without the railway, under any circumstances, it was useless. But when it was decided that the road should be moved north of Sturgeon Falls, and eight or nine additional portages brought into the "water-stretch route," then it was madness to go on and absolutely throw away \$200,000. The plea set up is that sixty or seventy thousand had been expended, but it would have been more honest to have acknowledged the error and borne this loss than to go on and add \$200,000 more, and pretend that it can ever be of any practical value. Mr. Marcus Smith, acting Engineer-in-Chief, in his evidence before the Committee, says that he never recommended or proposed the construction of such a work, and the House will remember that Mr. Fleming last year stated that he had never been consulted, nor had he ever advised its construction. The Government will not, therefore, I think, venture to shelter themselves, as is their fashion, behind the recommendation of an engineer. Nor can they bring an engineer of any standing to certify to its value. Mr. Smith, in his evidence, is asked this question:—

"For the purposes of commerce, will this lock (Fort Francis) be of any use whatever in connection with the Pacific Railway?"

"Answer—Not in connection with the railway."

Again, the moment the railway is completed it is of no use at all, and this answer is in substance repeated to several other questions. Other witnesses familiar with the transportation of goods to Manitoba, confirm this. Indeed, all we require

is common sense to satisfy us that neither passengers nor freight will ever pass over this route, and the money might as well have been cast into the river. In conclusion, I have again to protest against the enormous expenditures contemplated by this Supply Bill, expenditures wholly unwarranted in the condition of our revenue, and which, I fear, must end in disaster.

Hon. Mr. GIRARD—Before closing the debate, I had intended to express my satisfaction at one item—\$550,000 for the construction of the Pembina Branch. I do not know that it is the intention of the Government to expend that amount, but I suppose that it will be spent, and that we will have the road. Any information that the hon. Secretary of State can give on that point, will be received with great pleasure by the Province of Manitoba.

The Bill was read the second and third time.

Hon. Mr. MACPHERSON—Before the Bill is actually passed, I would like to ask the hon. Secretary of State if the return he promised me a few days ago, respecting freighting rails from Kingston to Fort Garry, has been brought down.

Hon. Mr. SCOTT said it had been brought down in the shape of a memorandum.

The Bill was then passed.

### SUPREME AND EXCHEQUER COURTS AMENDMENT BILL.

THE SENATE INSIST ON THEIR AMENDMENTS.

A Message was brought from the House of Commons by their Clerk, in the following words:—

“HOUSE OF COMMONS,  
Thursday, 9th May, 1878.

“Resolved, That a Message be sent to the Senate to acquaint their Honors that this House disagrees to their amendments to, the Bill No. 68, intituled ‘An Act to amend the Act 38 Victoria, Chapter 11, intituled ‘An Act to establish a Supreme Court and a Court of Exchequer for the Dominion of Canada,’ for the following reasons:—

“Because the first amendment, by inserting the word ‘highest,’ will in effect destroy this Sec-  
Hon. Mr. McLelan.

tion which was intended to remove doubts as to the provisions of the law as it exists, respecting the right to appeal from the Court of final resort;

“Because the second amendment would deprive parties of a right of appeal to the Supreme Court in matters wherein an appeal lies to the Privy Council, and because there seems to be no reason why an appeal should be refused in matters relating to titles to land, annual rents, or such like matters or things where the rights in future might be bound.

“Ordered, That the Clerk do carry the said Message to the Senate.

“Attest,

ALFRED PATRICK,  
Clerk of the Commons.”

Hon. Mr. SCOTT moved seconded by Hon. Mr. Pelletier, that this House do not insist on their amendments to the said Bill, intituled ‘An Act to amend the Act 38th Victoria, Chapter 11, intituled ‘An Act to establish a Supreme Court and a Court of Exchequer for the Dominion of Canada.’ ”

Hon. Mr. CAMPBELL—The amendment to which the Commons has dissented, is the amendment proposed by my hon. friend from DeSalaberry, who is not now in his place, and it was assented to in Committee, and by the House itself. It was for the purpose of maintaining the right of appeal as it now exists in Lower Canada. I do not suppose there is any occasion to dwell upon it, or that the House will depart from the decision which it arrived at on the previous occasion. It does not seem to me that the reasons given by the Commons are satisfactory; they simply say they desire to remove doubt by leaving that doubt out. No doubt existed at all, as I understand, upon the subject, and there was no appeal from Lower Canada except from the Court of final resort. The object of this amendment was to keep the Bill just as it is now, and as the people of Quebec are content that it shall continue to exist. There seems to be no reason for altering the law, except that the Commons desires to change it. I move in amendment, seconded by the Hon. Mr. Armand, to leave out all the words after “That,” and insert “it be “Resolved, That the said Bill be returned “to the House of Commons with a Message informing that House that the Senate doth insist on their said amendments “for the following reasons:—

“As to the first amendment:—

“That it is unwise to allow an appeal, save from the highest Court of final resort in each Province, and the word ‘highest’ was inserted by the Senate’s first amendment, to prevent doubt on that point, and maintain the right of appeal as it now exists.”

“As to the second amendment:—

“That the words struck out apply to cases involving the title to, or questions relating to the laws of immovables in the Province of Quebec, laws derived from France which are not familiar to the majority of the members of the Supreme Court, nor is the French language, and that an appeal to Her Majesty’s Privy Council from the Courts of their own Province, affords in both respects a satisfactory tribunal to the people of Lower Canada; and that it is unwise to deprive them of the right they now enjoy in this respect.”

Hon. Mr. SCOTT—I feel myself in a very embarrassing position just now, inasmuch as there is evidently a misconception with respect to the facts of the case. From the language of the Act, one would naturally conclude that there was an appeal from the Court of Review, and we must assume that the House of Commons would scarcely commit itself to that expression of opinion unless, in the judgment of the gentlemen who participated in the debate they felt they were justified in coming to that conclusion. In reference to the other point, I think it is fairly open to discussion whether it may not be in the interests of the people of Lower Canada that an appeal, even under the laws that are peculiar to Quebec, should not come to the Supreme Court rather than to the Privy Council. The Province of Quebec has been more interested in appeals than any other Province in the Dominion, as they have sent a larger number of cases across the Atlantic than all the rest of the Dominion.

Hon. Mr. MILLER—And they want to continue to send them there.

Hon. Mr. SCOTT—Only one-half the cases have been sent there since the Supreme Court has been established. Having established the Supreme Court here, it does seem reasonable that it should be the Court of final resort.

The House divided on the amendment, which was carried on the following division:—

*Hon. Mr. Campbell*

## CONTENTS :

### The Hon. Messrs.

Armand,	Flint,
Bellerose,	Girard,
Campbell,	McLelan (Londonderry)
Carrall,	Macpherson,
Chapais,	Miller,
Dickson,	Sked,
Dumouchel,	Wilmot.—14

### NON-CONTENTS :

### The Hon. Messrs.

Baillargeon,	Penny,
Chaffers,	Power,
Christie (Speaker)	Reesor,
Hope,	Scott,
Leo'ard,	Simpson.—11.
Pelletier,	

The question being put on the main motion, as amended, the same was also resolved in the affirmative, and it was

Ordered, That the last mentioned resolution be communicated to the House of Commons by the Clerk of this House.

## INDEPENDENCE OF PARLIAMENT ACT.

### SENATE AMENDMENT AGREED TO.

A Message was brought from the House of Commons by their Clerk in the following words:—

“HOUSE OF COMMONS,

Thursday, 9th May, 1878.

“Resolved, That a Message be sent to the Senate to acquaint their Honors that this House doth not insist on its disagreement to the first amendment made by the Senate to the Bill (No. 14) intituled: ‘An Act further securing the Independence of Parliament,’ and that it now agrees to the said first amendment.”

“Ordered, That the Clerk do carry the said message to the Senate.

“Attest.

“ALFRED PATRICK,

“Clerk of the Commons.”

## TRANSPORTATION OF RAILS.

### ENQUIRY.

Hon. Mr. MACPHERSON asked if the Government had awarded the contract for the transport this season of rails to Winnipeg.

Hon. Mr. SCOTT said he was not aware that they had. He thought the tender of \$18 from Kingston to Winni-

peg was very low, and the reason the Minister of Public Works had made the change in the advertisement was that it was impossible for the Government to make any contract with the monopoly on Red River; but it was believed by throwing it open to competition to private forwarders they would make better terms with the railway people. The result had proved that the Minister of Public Works was right, as the tenders received were considerably below the prices paid on a former occasion.

Hon. Mr. MACPHERSON said he noticed that the Red River Transportation Company's tender was \$15 per ton of 2000 pounds, and that the lowest through tender from Kingston to Red River was \$18, which would leave the difference for the lake freight. He had read a letter from a party the other day who stated he was prepared to offer to freight rails from Kingston to Duluth at \$2.50 per ton but for the change in the advertisement calling for tenders, and he (Mr. Macpherson) understood there were parties prepared to tender at \$1.50 or less per ton for the lake freight; so that the country had lost through the change of advertisement. He should congratulate his hon. friend from Hamilton (Mr. Hope) on the result. A great deal of skill had been displayed by the hon. Senator and his partners. The tender of his own company was \$22.50 per ton; Cooper, Fairman & Co.'s tender \$19 per ton; Neelon & Co., \$18 per ton. The latter were the lowest tenderers, and they doubtless were acting with the hon. gentleman from Hamilton.

Hon. Mr. SCOTT said the Minister of Public Works had got the lowest figure that had ever been offered, and he could not understand how the hon. gentleman from Saugeen could state there was somebody else willing to do it lower, but did not tender.

Hon. Mr. MACPHERSON said it was because the advertisement had been changed, and the parties had been restricted to tendering from Kingston to Red River. If the Government had left it optional with parties to tender from Kingston to Duluth, or to Winnipeg, they would have had greater competition than they had for the lake freight.

The House adjourned at 11.05 p. m.  
Hon. Mr. Scott.

## THE SENATE.

Friday, May 10th, 1878.

This day at three o'clock p.m. His Excellency the Governor-General proceeded in State to the Chamber of the Senate, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to in Her Majesty's name by His Excellency the Governor-General, viz:

An Act to incorporate the Fishwick's Express and Merchants' Forwarding Company (Limited.)

An Act further to amend the Act intitled "An Act respecting the Public Works of Canada."

An Act to incorporate "La Société de Construction du Comté d'Hochelega" as a permanent Building Society, and for other purposes.

An Act respecting the Port Whitby Harbor Company.

An Act to provide that persons charged with common assault shall be competent as witnesses.

An Act to grant relief to the Canada Agricultural Insurance Company.

An Act to incorporate the Missionary Society of The Bible Christian Church in Canada.

An Act to amend the law respecting Deck Loads.

An Act respecting the Duty on Malt.

An Act to provide for the creation and registration of Homestead Exemption Estates in the Territories of Canada.

An Act to amend section sixty-eight of "The Penitentiary Act of 1875."

An Act respecting persons imprisoned in default of giving securities to keep the peace.

An Act to make provision for the wind-

ing up of insolvent incorporated Fire or Marine Insurance Companies.

An Act to amend "An Act respecting conflicting claims to lands of occupants in "Manitoba."

An Act to grant certain powers to the Agricultural Mutual Assurance Association of Canada, and to change its name.

An Act to amend the Acts incorporating the Brockville and Ottawa Railway Company, and the Canada Central Railway Company, and to provide for the amalgamation of the said Companies.

An Act to confer certain powers on the Montreal Building Association by the name of "The Montreal Investment and "Building Company."

An Act to authorize the Stadacona Fire and Life Insurance Company to reduce its Capital Stock and for other purposes.

An Act to amend the Act thirty-seventh Victoria, chapter eight, intituled: "An Act to impose license duties on "compounders of spirits; to amend the Act "respecting the Inland Revenue, and to "prevent the adulteration of Food, Drink "and Drugs."

An Act to authorize the advance of certain sums to the Province of Manitoba, in aid of the Public Schools therein.

An Act to amend the Act respecting the Elections of Members of the House of Commons.

An Act respecting the Ontario Express and Transportation Company.

An Act to amend the Law respecting Building Societies, carrying on business in the Province of Ontario.

An Act to amend the Law relating to Stamps on Promissory Notes and Bills of Exchange.

An Act to provide for the better auditing of Public Accounts.

An Act respecting the traffic in intoxicating liquors.

An Act further securing the Independence of Parliament.

An Act for the better prevention of crimes of violence in certain parts of Canada, until the end of the next Session of Parliament.

His Excellency the Governor-General was pleased to reserve the following Bills for the signification of Her Majesty's pleasure thereon :

An Act to repeal Section twenty-three of "The Merchant Shipping Act, 1876," as to Ships in Canadian Waters.

An Act for the relief of Hugh Hunter.

An Act for the relief of Victoria Elizabeth Lyon.

An Act for the relief of George Frothingham Johnston.

Then the Honorable the Speaker of the House of Commons addressed His Excellency the Governor-General as follows :

"MAY IT PLEASE YOUR EXCELLENCY,

"In the name of the Commons, I present to Your Excellency a Bill intituled :

"An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1878, and the 30th June, 1879, and for other purposes relating to the Public Service, to which I humbly request your Excellency's assent."

To this Bill the Royal assent was signified in the following words :

"In Her Majesty's name, His Excellency the Governor-General thanks Her loyal subjects, accepts their benevolence, and assents to this Bill."

After which His Excellency the Governor-General was pleased to close the Fifth Session of the Third Parliament of the Dominion with the following speech :

*Honorable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

I am glad to be able to relieve you from further attendance in Parliament after a somewhat long and laborious Session.

I shall take the necessary steps, at an early day after the close of the financial year, to give

effect to the measure you have passed for the better auditing of the Public Accounts.

I shall call the attention of Her Majesty's Government to your Address praying that all of British America, except Newfoundland, shall be, by Imperial action, declared to be within the Dominion of Canada.

I rejoice that during the term of my administration, this final step to consolidate British interests on the continent of America has been taken with so much unanimity, and that henceforth the Dominion Government will, under Her Majesty, exercise undisputed sway over the northern half of this continent.

I am happy to be able to state that, pending the final settlement of the question of boundary, a conventional line has been adopted by my Government and the Government of the United States, between Alaska and British Columbia on the Stickine River.

The large sums you have appropriated for the great works of internal improvement will be expended with the most rigid regard to economy, and in the expectation that the principal canals under construction may be nearly completed within the next financial year.

The settlement of Manitoba and the North West Territories has been proceeding this year with unexampled rapidity, and if the efforts of my Government to obtain a railway communication with Winnipeg, at a very early day

should be successful, I anticipate, next year a still larger increase to the population.

It is specially gratifying to find so many Canadians who had in former years emigrated to the United States now returning to the newly organized territories of their native land.

*Gentlemen of the House of Commons :*

I thank you for the supplies which you have granted for the various public services.

*Honorable Gentlemen of the Senate :*

*Gentlemen of the House of Commons :*

Nothing could have given me more gratification than the joint Address with which you have honored me on the eve of my departure.

My interest in Canada shall not cease when my mission as Her Majesty's Viceroy shall have terminated, and I am glad to know that you have taken so favorable a view of my efforts to fittingly represent our most gracious Queen in this the most important of Her Majesty's Colonial Possessions.

I now bid you farewell, and earnestly trust you may find in the future the manifold blessings which I shall ever pray may be continually showered upon you.

## ERRATA.



Page 67, line 17, for "and if the Canadian Government do not feel in a position to double the amount they formerly paid, no company can be got to perform the entire service for less. I hope the Government, &c.," read, "and if the Canadian Government do not feel in a position to double the amount they formerly paid, and no company can be got to perform the entire service for less, I hope the Government, &c."

Page 142, in the second to last line on the page, for "pier," read "Bar;" and in the last line on the page, for "south-east," read "south-west."

Page 217, Montreal & Champlain Junction Railway Co.'s Bill, for "First Reading" read "Second Reading."